

DIRECTORS' MEETING
MONDAY, SEPTEMBER 13, 2004 - 11:00 A.M.
CONFERENCE ROOM 113

I. MAYOR

- **1. NEWS RELEASE - RE: Mayor Announces Plans For "Patriot Day-Lincoln Remembers" - (See Release)**
2. Response E-Mail from Mark Bowen to Dave Brady - RE: Bond Issue - (See E-Mail)
3. NEWS ADVISORY - RE: Mayor Coleen Seng will have a news conference at 10:00 a.m., Thursday, Sept. 9 at the Veterans Memorial Garden - will discuss the Patriot Day event coming up the evening of Friday, Sept. 10th in the Garden; AND a new StarTran program for low-income residents and hear a report on Union College's annual Project Impact community service day - (See Advisory)
4. NEWS RELEASE - RE: Mayor To Honor Woods Park Donors - (See Release)
5. NEWS RELEASE - RE: Public Invited To Patriot Day Event - (See Release)
6. NEWS RELEASE - RE: StarTran Offers Discounted Rates To Low Income Individuals - Monthly "unlimited ridership" passes available for \$5.00 - (See Release)

II. CITY CLERK

1. Speed Memo brought to Council by City Clerk RE: "Open Mike" portion of September 13th Council Meeting reserved for Wastewater Division to report on the Status of the Trunk Sewer Project in 4th Street - A Public Response to previously stated public concerns.

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

TERRY WERNER

1. OUTSTANDING Request to **Vince Mejer, Purchasing Agent** - RE: Notice to Bidders #04-110 – Television Equipment (RFI#132 - 6/16/04)
-

2. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director - RE: Dredging of Williamsburg Lake (RFI#135 - 8/11/04)**
- **3. Letter from Judy Anderson to Terry Werner - RE: Use Permit #04002-Application of Cameron Corporation to Develop 112 Dwelling Units at W. Fletcher Avenue & NW 12th/13th Street - (See Letter)
4. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director - RE: 11th & "O" Streets Intersection (RFI#137 - 8/31/04)**

GLENN FRIENDT

1. **OUTSTANDING Request to ~~Don Herz, Finance~~ /Dana Roper, Law - RE: Constituent inquiry regarding the bond issue (RFI#37 - 8/12/04). — 1.) SEE RESPONSE FROM DON HERZ, FINANCE DIRECTOR RECEIVED ON RFI#37 - 8/19/04. — 2.) SEE ADDITIONAL FOLLOW UP RESPONSE TO YOUR RFI#37-9/02/04 FROM DON HERZ, FINANCE DIRECTOR.**
2. **OUTSTANDING Request to ~~Public Works /Law /Urban Development~~ - RE: Alley improvements (RFI#38 - 8/16/04). — 1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#38 - 8/23/04.— 2.) SEE RESPONSE FROM JEFF COLE, URBAN DEVELOPMENT DEPARTMENT RECEIVED ON RFI#38 - 8/26/04.**
3. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director/Marvin Krout, Planning Director - RE: Williamsburg Lake Dredging (RFI#39 - 8/17/04).**
- **4. Letter from Glenn Friendt to Carl Eskridge, President, Board of Directors Lincoln Arts Council - RE: His letter dated August 20, 2004 - pleased to see that the Board is taking steps to respond to the letter sent to the Arts Council by the City Finance Director - (See Letter)

JONATHAN COOK

1. **OUTSTANDING Request to Harry Kroos, Public Works & Utilities Department - RE: Sidewalks (RFI#117 - 8/17/04).**

ANNETTE McROY

1. Request to Karl Fredrickson, Public Works & Utilities Department - RE: North 14th Street Improvements (RFI#154 - 9/01/04)
2. Request to Public Works & Utilities Department - RE: W. Adams Street between NW 48th & NW 53rd (RFI#155-9/01/04).-1.)**SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#155 - 9/09/04.**
3. Request to Mayor's Office - RE: Pedestrian & bike travel between the North Bottoms & Belmont commercial area (RFI#156 - 9/01/04)

JON CAMP

1. Material - Lincoln Journal Star Editorial-9/07/04 – RE: If only Fire Dept. could pay its debt - (See Material)

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE

- *1. Letter from Mark Leikam, City of Lincoln Keno Auditor - RE: City of Lincoln's level of keno activity - (See Letter)

FINANCE DEPARTMENT/CITY TREASURER

- **1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department, Treasurer of Lincoln, Nebraska - Investments Purchased August 16 thru August 27, 2004.

FIRE DEPARTMENT

- **1. Letter from Fire Chief Spadt to Florafae Schoen - RE: Emergency response to your area - (See Letter)

HEALTH DEPARTMENT

- **1. News Release Information - RE: Bordetella Pertussis - (See Release)
2. ~~NEWS RELEASE - RE: "Your Nose Knows" - Pollen Season information and update. (See Release)~~

LIBRARY

1. NEWS RELEASE - RE: Celebrate New Picture Book Featuring Lincoln - Janice Harrington to Speak - (See Release)
2. NEWS RELEASE - RE: Discover PAWS UP! FOR READING @ your library! - (See Release)
3. Memo & Library Board Meeting Minutes from Norm Langemach, President, Library Board of Trustees - RE: Defense of Liberty Resolution (04R-232) - (See Material)

PARKS & RECREATION DEPARTMENT

- *1. NEWS RELEASE - RE: Woods Pool To Remain Open Two More Weekends - Cool, wet weather lowers season attendance figures - (See Release)

PERSONNEL

1. Interdepartment Communication Memo from Don Taute - RE: Bills 04-165 and 04R-233 on September 13th, 2004 Council Agenda - (Copy of Memo on file in the City Council Office)

PLANNING

- **1. Material - RE: Street Vacation #04008 - Bill No. 04-156 - Public Hearing: September 13, 2004 - (See Material)
- **2. Letter from Becky Horner to Michael R. Johnson, Olsson Associates - RE: Ellizabeth Park North 1st Addition Final Plat #04079 - (See Letter)
3. Letter from Marvin Krout to W. Cecil Steward, FAIA, President, Joslyn Castle Institute for Sustainable Communities - RE: Letter of Support for Continuation of Flatwater Metroplex Project - (See Letter)
4. Memo from Greg Czaplewski - RE: Street Vacation #04008, follow-up information to Factsheet paragraph 8 - Bill #04-156 - Public Hearing: September 13, 2004 - (See Memo)
5. Letter from Becky Horner to Michael R. Johnson, Olsson Associates - RE: Morning Glory Estates 2nd Addition Final Plat #04063- (See Letter)

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit No. 04034 (Health Care Facility - South 27th Street and Tamarin Ridge Road) Resolution No. PC-00885.

POLICE DEPARTMENT

- **1. Response E-Mail from Joy Citta, Captain Center Team, Lincoln Police Department to Gail Steen - RE: Pink Dots on your Tires downtown -(See E-Mail)

PUBLIC WORKS & UTILITIES DEPARTMENT

- *1. Response Letter from Allan Abbott to Deborah Cole; and Samuel Wineberg - RE: In response to your formal complaint letter dated June 21, 2004 - 4th Street Trunk Sewer Construction Project Progress Meeting - (See Letter)
- *2. E-Mail from Steve Masters forwarded by Nicole Fleck-Tooze to City Council Members - RE: Service leak near 22nd & R Streets - (See E-Mail)
- 3. Memo from Ken Smith, Parking Manager - RE: Proposed Bill No. 04R-239 - (See Memo)
- 4. Public Works & Utilities ADVISORY - RE: North 48th Street; Cornhusker - Superior - Project #701753 - (See Advisory)

REAL ESTATE DIVISION

- *1. InterOffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4008 - 21st Street between Y Street and the abandoned MoPac RR right-of-way - (See Memo)

WEED CONTROL AUTHORITY

- 1. Combined Weed Program - City of Lincoln - August 2004 Monthly Report.

C. MISCELLANEOUS

- *1. E-Mail from Jason Faulkner - RE: Repeal Patriot Act -(See E-Mail)
- *2. Faxed Material from Mary Rauner - RE: Object statement: To Repeal Lincoln City Ordinance Number 04-123, Also known as Lincoln Smoking Regulation Act, And Return The Law To How It Existed On June 1st, 2004 - (See Material)

- *3. E-Mail from Stephen H. Johnson - RE: 48th & "O" Street Project - (See E-Mail)
- *4. E-Mail from Jim Chambers, Senior Vice President-Financial Consultant RBC Dain Rauscher - RE: 48th & "O" Street Project - (See E-Mail)
- *5. E-Mail from William & Cheryl Ross - RE: Special Permit No. 04035 - development of the Andrea's Court Community Unit Plan - (See E-Mail)
- **6. E-Mail from David Nelson, Change Control Manager, MDS Pharma Services, Inc. - RE: Possible suggestion to generate revenue - (See E-Mail)
- **7. E-Mail from William Kerschner - RE: Thank you for brining smokefree air to Lincoln! - (See E-Mail)
- **8. E-Mail from Shirley A. Ritter - RE: Ballot with smoking ban -(See E-Mail)
- **9. E-Mail from Lee Chaplin - RE: Auditor - (See E-Mail)
- **10. Letter from Joe & Teri Sloup - RE: Andrea's Court Community Unit Plan- Special Permit #04035 - 32 townhouse units and church - (See Letter)
- **11. E-Mail from Stu & Denise Essman - RE: Andrea's Court Community Unit Plan, Special Permit #04035 - (See E-Mail)
- **12. E-Mail from Stan Kuta - RE: Our NW Highlands Assn. Appreciated their efforts and probing questions to bring out our concerns - (See E-Mail)
- **13. E-Mail from Robert Converse - RE: Special Permit # 04035 - (See E-Mail)
- **14. Letter & Material from Michael Kane - RE: His Supplemental Security Income (SSI) payment checks - (See Material)
- **15. E-Mail from Dave Brady - RE: Bond Issue - (See E-Mail)
- **16. Letter from Terry Bundy, LES - RE: Writing to let you know that the Omaha Public Power District (OPPD) will soon announce a project that is likely to be of interest to you and other area residents - (See Letter)
- **17. Letter from Barbara L. Poppe - RE: Go Cart on city streets , on public sidewalks, darting between cars & vehicles - N. 58th Street - (See Letter)
- 18. E-mail from Robert Doulas RE: Concerns regarding the pedestrian traffic control devices at various intersections in Lincoln (especially along "O" Street) in relation to the elderly, the handicapped and visually impaired population in our City.

19. Letter from Sandra McNiff - RE: The cat leash law - (See Letter)
20. E-Mail from Wendy Weiss - RE: Defense of Liberty resolution - (See E-Mail)
21. E-Mail from Tom Duden, Human Resources/Facilities Manager Design Data Corporation - RE: 14th & Old Cheney Road intersection - (See E-Mail)
22. E-Mail from Cindy Jones - RE: Patriot Act - (See E-Mail)
23. E-Mail from David A. Peters - RE: Defense of Liberties - (See E-Mail)
24. E-Mail from Michael Baker - RE: Patriot Act Resolution - (See E-Mail)
25. Letter from Marie Eliker, Charlene Lauer & Arlene Dreckus - RE: The Service of Lincoln-StarTran Handivan - (See Letter)
26. Letter from Michael James, President, Woods Park Neighborhood Association - RE: The Woods Park land conversion - (See Letter)
27. E-Mail from William Ross - RE: Andrea's Court Community Unit Plan - (See E-Mail)
28. Letter & Material from Martha Hunter, President, League of Women Voters of Lincoln-Lancaster County - RE: Defense of Liberty Resolution 04R-232 - (See Material)
29. Letter & Motions-To-Amend from Mark A. Hunzeker, For the Firm, Pierson/Fitchett Law Firm - RE: 04R-212 Special Permit 04011 Boulder Ridge Community Unit Plan AND 04-213 Appeal from Planning Commission Approval of Boulder Ridge Community Unit Plan - (See Material)
30. Letter from Sharon Meints - RE: Opposed to closing Old Cheney Street and putting an interchange at Pioneers Blvd. - (See Letter)
31. E-Mail from Robin Hoffman - RE: West Highlands Blvd.- the City needs to keep the weeds mowed-When can we expect to have the boulevard mowed? -(See E-Mail)
32. E-Mail from Amy Birky - RE: The Patriot Act - (See E-Mail)
33. E-Mail from Tim Johnson - RE: Defense of Liberty Resolution - (See E-Mail)
34. E-Mail & Material from Duane Wendelin, Acting President Sunset Acres Neighborhood Association - RE: Andrea's Court Community Unit Plan - Special Permit #04035 - (See Material)

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

***HELD OVER FROM AUGUST 30, 2004.**
****HELD OVER FROM SEPTEMBER 6, 2004.**



MBowen@ci.lincoln.ne.us

09/03/2004 05:04 PM

To: council@ci.lincoln.ne.us
cc:
Subject: Re: Bond Issue

----- Forwarded by Mark D Bowen/Notes on 09/03/2004 05:06 PM -----

Mayor
Sent by: Mark D
<mdb Brady@inebraska.com>
Bowen
To: "mdb Brady"
cc:
Subject: Re: Bond
Issue (Document link: Mayor)

09/02/2004 04:59
PM

September 2, 2004

Dave Brady
mdb Brady@inebraska.com
7912 Yellow Knife Dr.
Lincoln, NE 68505

RECEIVED
SEP 07 2004
CITY COUNCIL
OFFICE

Dear Mr. Brady:

Mayor Seng received your request asking to be considered for the at-large position of the Citizen Street and Trail Bond Audit Review Committee. I am pleased to report that many residents responded to the Mayor's invitation to be considered.

The application deadline was September 1, 2004. Your application arrived before the deadline and will be reviewed along with all others who have expressed an interest. The Committee only will be finalized and convened if the proposed \$75 million bond issue is approved by the voters on September 14, 2004. Since the bond projects are intended to be under construction by 2007, those selected to serve on the committee will be asked to make a 3-year commitment. We do not anticipate finalizing the Committee membership until after the voters have decided the bond proposal.

The Comprehensive Plan has included the widening and improvement of O Street for at least ten years. To clarify, the City has requested State funding for the widening of O Street from 52nd to 42nd Streets. The City contends O Street is eligible for state funding. Each year the Nebr. Dept of Roads (NDOR) holds meeting across the state to determine needed improvements on the State road system. The City has presented this need and others at those meetings and several other times each year. The State has not included funds for the improvement of that portion of O Street. The City has and will continue to seek state funding. You should contact the NDOR for an explanation of how the state selects its priorities for the State road system.

Sincerely,

Mark Bowen

Chief of Staff to Mayor Coleen J. Seng

City of Lincoln

RECEIVED
SEP 07 2004
CITY COUNCIL
OFFICE

"mdbrady"
<mdbrady@inebraska
<Mayor@ci.lincoln.ne.us>
a.com>
<council@ci.lincoln.ne.us>

To:

cc:

Subject: Re: Bond Issue

06/20/2004 10:57
PM

Dear Mark:

I am responding to your comments that the city will not re-do certain streets because of the local neighbors objections. Well, did the comprehensive plan address 27th St south of Capital Parkway when it was widened. This couldn't have come out of the comprehensive plan. That area is a depressing sight and the city could have done a much better job by purchasing homes on one side of the street, removing them, using what land they needed to widen the street and donating the rest to the adjacent property owners. This not only would have been practical, but would have completely preserved the neighborhoods (and their values) on both sides of the street.

I really think that since most of the streets you suggested were not on the comprehensive plan because of local objections, you should consider the FACT that these streets are MAJOR artials designed for 1950 traffic patterns. I would think that you need to address these streets for the good of the whole instead of a special few. Many of these homes that are located along these streets were purchased with the knowledge that someday their street would be widened.

If the comprehensive plan puts a hold on all these streets for widening, or even one-way traffic, many locals will use other streets (especially side streets) to get to their destination and nobody will want to come to Lincoln and spend their money if the traffic is too congested. I find myself on many occasions taking side streets because the congestion at stop lights is ridiculous (70th & Holdrege, 66th & Cotner, 27th & Vine, 48th & A, 27th & "O", etc). As it is right now with the University back in session, it is much worse. Isn't their anything better than the comprehensive plan? It is already archaic.

As for the widening of "O" Street, poor planning on the city's part is the reason the Dept of Roads has no money for it(in the short term). The Dept has a one and 5 year plan. Some of their schedules go much further out (some 20 years). This is a US highway, so, "O" St is eligible! It all comes back to this so-called comprehensive plan. Did it include widening this section of "O" St long ago? Did it include asking the State for the money or Dist. 1 congressman Bereuter? It didn't sound like it.

As for these people that were involved with deciding the bond issue, who cares who decided it. It was wanted and endorsed by the Mayor and the Council. The Mayor is carrying the ball and she is the one campaigning for it.

I realize this is an accumulation of a generation of passing the buck to

balance the budget and not raise taxes. I realize that the city is funding many more social programs than in the past. I realize that this fiscal mismanagement has come to roost on Mayor Seng. I commend her for trying this approach. I just can't see how it will pass. There are too many people who are scaping by who cannot afford this much of a property tax increase all at once. At this point and juncture, a determination will have to be made on the true priorities of the citizens of Lincoln. We cannot have everything, but I think with prudent judgements, I would suggest instead that you increase the budget incrementally and plan accordingly. It is always much better to pay as you go. To borrow for the future is suicide.

With the current approach, we will always be asking for money and it may not always turn out the way it needs too and we will never catch up. With my suggestion above, in 10 to 15 years we just might.

If by chance this bond issue does pass, I would like to volunteer to be on the Mayors task force on what streets should be taken care of. I remember listening to her on KFOR at lunch time where she asked for volunteers. I would like to be one.

Thanks for the response. It was much appreciated.

Dave Brady
7912 Yellow Knife Dr.
Lincoln, NE 68505
466-1534

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SEP 07 2004
CITY COUNCIL
OFFICE



CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: September 8, 2004

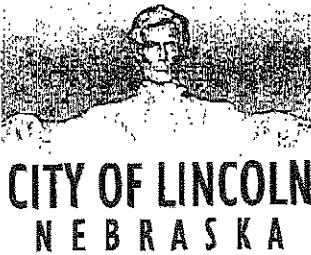
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will have a news conference at **10 a.m. Thursday, September 9** at the **Veterans Memorial Garden**, just east of the Auld Recreation Center in Antelope Park.

The Mayor will discuss the Patriot Day event coming up the evening of Friday, September 10 in the Garden. She will also discuss a new StarTran program for low-income residents and hear a report on Union College's annual Project Impact community service day.

If the weather is bad, the news conference will be in the enclosed shelter north of the Garden.

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NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 8, 2004**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831
Stacey Ault, Parks and Recreation, 441-3084

MAYOR TO HONOR WOODS PARK DONORS

Mayor Coleen J. Seng will honor donors to the "Park-it-at-Woods" Campaign at a luncheon beginning at noon Thursday, September 9 at the newly renovated Woods Tennis Center in Woods Park near 32nd and "J" streets. Also attending the luncheon will be sculptor George Lundeen of Loveland, Colorado, a Hastings native who created two new sculptures for the park.

The Woods Park project began in 1992 with the development of a master plan. The Lincoln Tennis Association initiated the "Park-it-at-Woods" fund-raising campaign, with leadership from Sandy Hilsabeck and Marg Donlan. The campaign resulted in a public-private partnership, which raised more than \$1.3 million for the project.

"I want to commend the Lincoln Tennis Association for focusing on the whole park and not just on the tennis facilities," said Mayor Seng. "Because of its leadership and the generosity of many donors, Woods Park is once again a showplace in the heart of our community."

Park improvements include a handicapped-accessible playground, six sculptures along a new walking path and an interactive "sprayground" to replace the aged wading pool. Tennis Center improvements include a new handicapped-accessible clubhouse, three outdoor tennis courts and a new landscaped entrance walk and plaza.

A citizens advisory committee is now updating the 1992 master plan to incorporate the recent improvements and possible future improvements to the 47-acre park.

- 30 -

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SEP 08 2004

CITY COUNCIL
OFFICE



CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 9, 2004 (original version released Sept. 1, 2004)
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

PUBLIC INVITED TO PATRIOT DAY EVENT

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SEP 09 2004
CITY COUNCIL
OFFICE

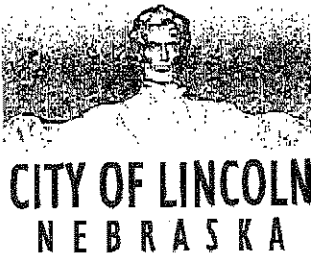
Mayor Coleen J. Seng today encouraged Lincoln area residents to observe the third anniversary of the September 11, 2001 terrorist attacks on America by attending "Patriot Day – Lincoln Remembers," a free community memorial ceremony at 7:30 p.m. Friday, September 10 at the Veterans Memorial Garden in Antelope Park. The U.S. Congress has designated September 11 as "Patriot Day" and has asked local governments to observe the day with appropriate programs. This year's event will feature a concert by the AVISORS ensemble, a five-person group which presents a USO-style show featuring songs of the World War II era.

"It is important that we never forget the events of September 11," said Mayor Seng. "Our Patriot Day event is an opportunity to remember the victims of that day and to honor those who serve us as emergency responders and in the military."

The program is being organized by the City of Lincoln and the Mayor's Advisory Council for the Veterans Memorial Garden. The public is encouraged to arrive early to tour the Garden and its memorials. Music from Lincoln Pipe and Drum will begin at 7 p.m. The half-hour program beginning at 7:30 p.m. will include remarks from Mayor Seng, State Adjutant General Roger Lempke and Jeff McCullough, a cousin of Monte Hord of Central City who died in the Trade Center attacks. The AVISORS concert begins at 8 p.m.

Sponsors for the event include the Abel Foundation, HWS Consulting Group, Lincoln Plating, Madonna Rehabilitation Hospital, Olsson Associates, Pfizer, Tabitha Health Care Services and Talent +. Bench seating will be available, but those attending are encouraged to bring lawn chairs. Refreshments will be available in the enclosed shelter north of the Garden. Parking is available north and south of the Auld Recreation Center, with overflow parking available at the Folsom Children's Zoo. Handicapped parking is available south of Auld. The program will be interpreted for hearing impaired persons, who are invited to sit in the reserved section. In case of rain the event will move inside the Auld Recreation Center.

The program will be taped for airing on 5 CITY-TV, the government access cable channel. More information on the AVISORS is available at avisors.com. More information on the event is available by contacting the Mayor's Office at 441-7511 or on the City Web site at lincoln.ne.gov.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 9, 2004**FOR MORE INFORMATION:** Kit Boesch, Human Services Department, 441-4944
Diane Gonzolas, Citizen Information Center, 441-7831**RECEIVED**
SEP 09 2004
CITY COUNCIL
OFFICE**STARTRAN OFFERS DISCOUNTED RATES**
TO LOW INCOME INDIVIDUALS*Monthly "unlimited ridership" passes available for \$5*

Mayor Seng announced today that qualified low-income residents will be able to purchase discounted StarTran and HandiVan bus tickets beginning September 15. The six-month pilot project, conducted by the Lancaster County Human Services Office, is designed to increase ridership and provide residents with more affordable public transportation..

Low-income individuals who have proof of income and date of birth will be able to purchase monthly tickets for unlimited ridership for \$5 per month. HandiVan tickets will be available for \$10 per month. Tickets will be available for six months or until the \$75,000 allocated for the program has been spent. They can be purchased at these nine sites:

- Lincoln Action Program, 210 "O" Street
- People's City Mission, 110 "Q" Street
- Good Neighbor Center, 2617 "Y" Street
- Community Mental Health Center, 2200 St. Mary's Avenue
- Carol Yoakum Family Resource Center, 4621 N.W. 48th Street
- Southeast Community College, 8800 "O" Street
- Downtown Senior Center, 1005 "O" Street
- StarTran Main Office, 710 "J" Street
- Northeast YMCA of Lincoln, 2601 N. 70th Street

The times that tickets are available will be posted at the sites.

Speed Memo

To: Joann Ross, City Clerk
City of Lincoln

2 Sep 04
From: Steve Masters
Public Works & Utilities
555 South 10th Street
Lincoln, NE 68508
(402) 441-7588
FAX (402) 441-8609

RE: COUNCIL MTG - SEP. 13, 2004
TRUNK SEWER STATUS REPORT

DEAR JOANN:

REQUEST THAT A REPORT BE PROVIDED AT THE
CLOSE OF THE MEETING SO THAT GARY BRANDT,
WASTEWATER DIV., CAN REPORT ON THE STATUS
OF THE TRUNK SEWER PROJECT IN 4TH ST.

Sincerely,
Steve

cc: Gary Brandt

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SEP 02 2004
CITY COUNCIL
OFFICE

Reply:

MR BRANDT WILL BE PRESENT TO REPORT DURING OPEN MICROPHONE SECTION

RECEIVED

Public Works & Utilities Department

SEP 09 2004

Referred to: _____

CITY COUNCIL
OFFICE

REQUEST FOR INFORMATION
COUNCIL OFFICE

4090018

By: Annette McRoy - #155
(Council Member)

September 1, 2004
Date

REQUEST: RE: W. Adams Street between NW 48th & NW 53rd

Please see attached E-Mail. When will these streets be paved. Please explain how the Roads
program works. Respond to both Matt and Annette. Thanks.

-Annette McRoy

cc: Matt Lollmann

5363 W. Cleveland Ave. (24) - FOR YOUR INFORMATION - COPY OF REQUEST
~~SENT BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU~~

Mayor's Office

RESPONSE (Indicate action taken):

By: Dennis Bartels

Date

9-9-04

See Attached Letter.

COMMENTS:

PLEASE RESPOND WITH 15 COPIES to the Council Office/tjg

From: DO NOT REPLY to this- InterLinc <none@lincoln.ne.gov>
To: Annette McRoy <amcroy@lincoln.ne.gov>
Date: Saturday, August 21, 2004 11:18AM
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
Annette McRoy

Name: Matt Lollmann
Address: 5363 W Cleveland Ave
City: Lincoln, NE 68524

Phone:
Fax:
Email: cztmcrl@cjis.ci.lincoln.ne.us

Comment or Question:

Ms McRoy, I am writing you because my wife and I have a problem with a street near my home. We have contacted the public works department several times and I have spoken with the department of engineers about the street. The street in question is W. Adams st. between NW 48th and NW 53rd. It is a gravel road that is very poorly maintained. When my wife and I first built our home in 2000, I spoke with the engineers office and they told me the street would be paved in a couple of years. When I called back last year, the man denied ever telling me that and he said it would be several more years before it happened because of major projects taking place. Now, if the city cannot budget a 6 block section of street, I would understand that, but the city, or someone, found the money to put in turn lanes on NW 48th because of the new housing development going in on the east side. More than that is the fact that it is extremely rough and poorly maintained. The only time the city comes out to do anything is either when someone calls, or when they come out and do "dust control", which consists of gravel, grading, and oil over the top. I'm sure I don't understand the costs involved, nor do I want to try. I would just like to feel like we in this housing area are not getting shut out by the city because of where we live and the perceived socio-economic status of the residents in the Airpark area.

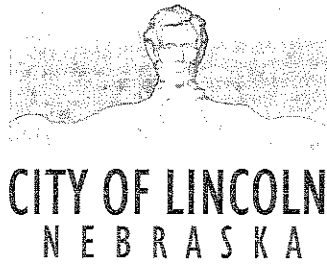
Thanks you for your time.

Matt Lollmann

2FI#155

RECEIVED
SEP 01 2004
CITY COUNCIL
OFFICE

September 9, 2004



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department
Allan Abbott, Director
531 Westgate Blvd.
Suite 100
Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

Matt Lollmann
5363 West Cleveland Avenue
Lincoln, NE 68524

RE: Paving of West Adams Street

Dear Mr. Lollmann:

Annette McRoy has asked Public Works and Utilities to respond to your questions and concerns about paving West Adams Street. West Adams is an arterial street and will be paved as an arterial street when money is budgeted for its construction in the City's Capital Improvement Program (CIP). The paving of West Adams is included in the bond issue proposed for vote by Lincoln citizens on September 14, 2004 to fund \$75,000,000 of street and trail improvements. If the bond issue is passed, the construction of paving will be under way by the end of 2007. The City's CIP budget is approved by the City Council for available funds and the priorities for the street construction.

Public Works agrees that the paving is needed. The approved 2004-2010 CIP has approved the funding of the design of plans for construction of a project that will include West Adams from Northwest 8th Street to west of Northwest 56th Street and Northwest 56th Street south of West Adams for approximately one-half mile. The tentative schedule for construction is shown in 2008-2009 but with a portion of the funding shown as other funding, the source of which is unidentified at this time. If the bond issue fails, the funding may not be available to meet the 2008-2009 schedule. As noted, passage of the bond issue will allow the construction to be accelerated to 2007.

I would like to comment on one of your other comments concerning the recently constructed turn lane in Northwest 48th Street. The turn lane was required with approval of the Ashley Heights Subdivision on the east side of Northwest 48th. The developer of the subdivision paid for a majority of the construction. Public Works provided some subsidy to allow for northbound to westbound left turns into the existing street to the west.

Sincerely,

Dennis Bartels
Engineering Services

cc: Mayor Coleen J. Seng
City Council
Allan Abbott
Roger Figard
Nicole Fleck-Tooze
Randy Hoskins
Karl Fredrickson



Lincoln Journal Star Editorial 9-7-04

If only Fire Dept. could pay its debt

Remember how Lincoln City Council members gnashed their teeth, furrowed their brows and pulled their hair during budget sessions earlier this summer?

It took a lot of fuss and bother to save \$1.3 million to hold down the city tax rate.

The City Council deserves credit for the effort, and we willingly offer another round of applause.

But flash back a few years to those fiery days when a City Council majority and Mayor Don Wesely flexed their political muscle in a showdown over ambulance service in Lincoln.

Remember the proud boast that the Lincoln Fire Department could do the job faster, better, cheaper?

The boast was so persuasive that a City Council majority turned ambulance service over to the department, eliminating jobs for more than 75 employees in the private sector.

More than three years later, the Fire Department's ambulance service has a cumulative net deficit of more than \$1 million.

Just think how much better the city finances would have been if the department had managed to make good on its claim. If the Fire Department had been successful in paying its debt this year, it could have filled the budget gap almost by itself.

The department is making little progress in whittling down the debt, even though it asks and receives regular rate increases, such as the 4 percent increase approved this week by the council.

The most encouraging word Fire Chief Mike Spadt could offer was that the financial picture might improve after the fire department returned part of the ambulance operation to the private sector about five months ago.

It's surprising that in all the fuss about the city budget, no one thought to put the Fire Department on the hot seat about its \$1 million debt. One would think a \$1 million hole in the budget would attract more attention.

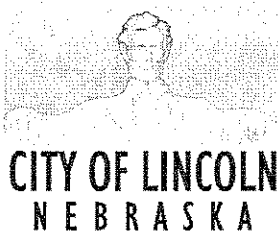
At one point, the council was even talking about stripping the Parks Department budget down to the bare bones.

What's even more amazing is that not only did the Fire Department's debt escape scrutiny, the department also found itself the happy recipient of three more jobs.

As anyone who follows city politics knows, the Fire Department has a lot of friends in high places. The department is a valuable source of volunteer campaign workers and campaign funds.

But that shouldn't give the department a free pass.

The politics at City Hall would be healthier if council members had a little more moxie when it comes to challenging the Fire Department to squeeze waste and inefficiency out of its operations.



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

FOR IMMEDIATE RELEASE:

September 2, 2004

FOR MORE INFORMATION:

Mike Holmquist, 441-8041

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SEP 03 2004

CITY COUNCIL
OFFICE

Your Nose Knows

If you suffer from allergies, your nose knows there is more weed pollen in the air. "This pollen season has been typified as being about two weeks earlier than last year," according to Dale M. Benham, Ph.D., Professor of Biology at Nebraska Wesleyan University. Pollen counts show there are significantly more grains of pollen per cubic meter in the air now than were in the air last year (to see the data, go to <http://biology.nebrwesleyan.edu/pollen/index.html>). The amount of pollen in the air is similar to the counts Lincoln had in mid-September last year.

The wet spring conditions resulted in excessive weed growth. The weeds that grew in the spring and early summer are now releasing their pollen.

Dry weather in recent weeks has promoted pollen production. Increased pollen counts and high winds mean more misery for allergy sufferers as more pollen is released over a wider area.

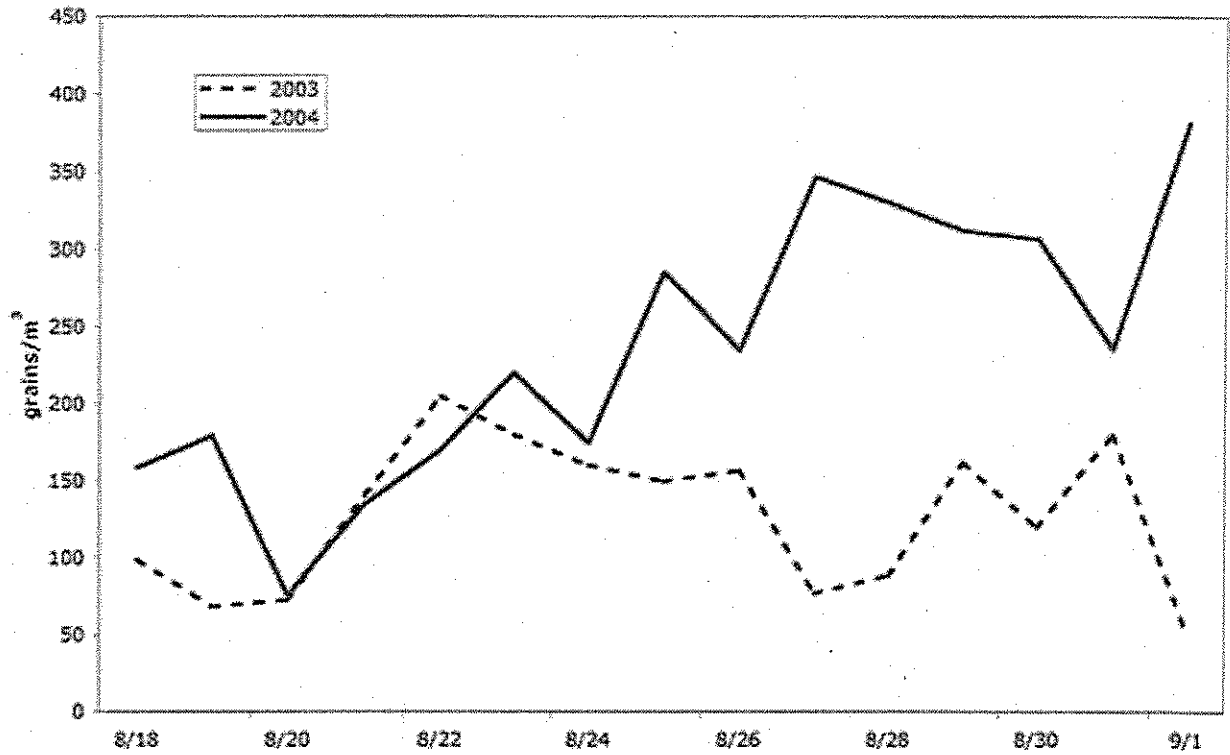
With pollen being released in such high quantities this year, there is a potential for a longer weed allergy season. "My guess is that we are just experiencing the beginning of a severe fall weed season and the numbers will continue to climb for a while," Dr. Benham said. The condition is likely to continue until the weather turns cooler.

The Lincoln-Lancaster County Health department suggests that people with allergies reduce their outdoor activities during periods with high pollen counts. Pollen counts tend to be higher in the mornings and evenings. Midday is generally a better time to be outdoors. When inside, run air filters, such as on air conditioners. More information is available from the LLCHD web site <http://www.ci.lincoln.ne.us/city/health/envIRON/pollu/pollen.htm>.

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See "Pollen Comparison Between 2003 and 2004" attached

Pollen Comparison Between 2003 and 2004



Ragweed Pollen Counts

Data provided by Dr. Dale Benham of Nebraska Wesleyan University.
<http://biology.nebrwesleyan.edu/pollen/index.html>

Date	2004	2003
16-Aug	11	10
17-Aug	21	12
18-Aug	18	14
19-Aug	42	17
20-Aug	17	26
21-Aug	35	32
22-Aug	56	78
23-Aug	78	76
24-Aug	102	79
25-Aug	151	80
26-Aug	109	72
27-Aug	204	31
28-Aug	195	54
29-Aug	206	86
30-Aug	212	52
31-Aug	129	41
1-Sep	260	27
2-Sep		50
3-Sep		87
4-Sep		83
5-Sep		82
6-Sep		91
7-Sep		112
8-Sep		127
9-Sep		163
10-Sep		170
11-Sep		104
12-Sep		28
13-Sep		37
14-Sep		45
15-Sep		58
16-Sep		152
17-Sep		255
18-Sep		304


CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
Phone: 402-441-8500; Fax: 402-441-8586; Email: library@mail.lcl.lib.ne.us

FOR RELEASE: September 3, 2004
CONTACT: Pat Leach, Library Youth Services Supervisor
PHONE: 402-441-8565
E-MAIL: p.leach@mail.lcl.lib.ne.us

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OFFICE

CELEBRATE NEW PICTURE BOOK FEATURING LINCOLN!

Janice Harrington to Speak

Janice Harrington, author of "Going North" will speak at Eiseley Branch Library, 1530 Superior Street, on Thursday, September 16, 2004, at 7:00 p.m.

"Going North" is a picture book illustrated by Jerome LaGarrigue, published by Farrar, Straus & Giroux. It tells the story of an African American family moving from Alabama to Lincoln, Nebraska, in the 1960's, where they hope to escape segregation and find a better life.

Copies of "Going North" will be available for purchase at the program. Harrington will sign books after her presentation.

Janice Harrington was born in Alabama and moved to Lincoln, Nebraska in 1964. She attended St. Mary's and Sacred Heart Elementary Schools and graduated from Pius High School in Lincoln. She is a children's librarian in Champaign, Illinois, and is a nationally recognized storyteller. This is her first book for children.

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CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln City Libraries - 136 S. 14th Street - Lincoln, NE 68508
Phone: 402-441-8500; Fax: 402-441-8586; Email: library@mail.lcl.lib.ne.us

FOR RELEASE: September 8, 2004
CONTACT: Pat Leach, Library Youth Services Supervisor
PHONE: 402-441-8565
E-MAIL: p.leach@mail.lcl.lib.ne.us

Discover PAWS UP! FOR READING @ your Library!

Here's an exciting kind of storytime—where a child does the reading, and the audience has four legs! Paws UP! for Reading is returning to Lincoln City Libraries this fall, after an overwhelming response in the summer.

“Paws UP! for Reading” is a program to help children ages 6 to 12 who are experiencing reading difficulties, or who just need to practice reading. Paws Up! Certified Therapy Dogs and their handlers are partnered with children who polish their skills by reading aloud to a dog. Children read to dogs in 20-minute shifts, once a week for six weeks.

“Paws UP! for Reading” will be available at these locations at times:

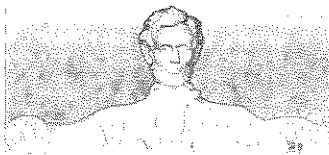
- South Branch Library, 2675 South Street, 441-8570,
Tuesday evenings, 6:30 to 8:30, October 5 to November 9, and
Sunday afternoons, 2:00 to 4:00, October 10 to November 14.
- Gere Branch Library, 2400 S. 56th Street, 441-8560,
Sunday afternoons, 2:00 to 4:00, October 3 through November 7.
- Eiseley Branch Library, 1530 Superior Street, 441-4250,
Thursday evenings, 6:30 to 8:30, October 7 through November 18.

Pre-registration is required by calling or stopping by the library where you want to participate. Parental permission is also required.

This program is in cooperation with Paws UP! Certified Therapy Dogs.

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CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln City Libraries

Carol J. Connor, Director

136 South 14th Street

Lincoln, Nebraska 68508-1899

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www.lcl.lib.ne.us

LIBRARY BOARD OF TRUSTEES

Norm Langemach, President

Shirley Maly, Vice President

Lynda Anderson, Treasurer

Marlene Cupp

Jeff Kirkpatrick

James O'Hanlon

Darrell Podany

DATE: September 8, 2004

TO: Terry Werner, City Council Chair
Ken Svoboda, City Council Vice Chair
Jon Camp
Jonathan Cook
Glenn Friendt
Annette McRoy
Patte Newman

FROM: Norm Langemach, President
Library Board of Trustees

SUBJECT: Defense of Liberty Resolution (04R-232)

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SEP 08 2004
CITY COUNCIL
OFFICE

The purpose of this memorandum is to inform the City Council concerning the position taken by the Library Board of Trustees with reference to postings of informative and advisory materials in the public libraries.

The Library Board discussed the USA Patriot Act at its March 16, 2004, board meeting. (March 16, 2004, minutes, pages 5-7) United States Attorney Michael Heavican and FBI representative Gina Polokangas spoke to the Library Board about the USA Patriot Act. (Minutes, pages 1-5) Mark Weddleton and Joshua Cramer, Lincoln Bill of Rights Defense Coalition, spoke to the Library Board at its January 21, 2004, meeting. (January 21, 2004, minutes, page 4)

The Library Board's Privacy of Library Files policy was adopted in August 1981, revised in June 1996, and June 2003. The portion of the policy dealing with the release of library records is on display at all Lincoln City Libraries, and reads as follows:

Information from a customer's record is confidential and can be disclosed to non-library staff only under certain circumstances.

Library records that contain information about customers, the materials they have used, or the information they have sought, are private and must be treated as confidential information. Access by and disclosure of these records to non-authorized library personnel are acceptable in these circumstances:

1. For internal purposes (such as the recovery of lost or stolen library materials and/or fines), the Library Director may grant access or disclose to any federal, state or municipal government agency, including representatives of law enforcement agencies and prosecuting attorneys.
2. In all other situations, a valid subpoena or court order is required to disclose or release library records.

This policy is upheld by state law regarding public records. See §84-712.05: Records which may be withheld from the public.

It is the mission of Lincoln City Libraries to provide equitable access to the accumulated knowledge of the world, encouraging individuals to pursue personal enrichment and to take informed action, as each individual sees fit, within the boundaries of the law.

To meet this mission it is our goal to provide a welcoming, nonjudgmental environment for library customers. It is our goal to make accessible many collection and information resources representing different viewpoints, allowing each individual to arrive at his or her own conclusions. With this goal in mind, and recognizing that there are differing viewpoints concerning the impact of the USA Patriot Act, we support the idea that the public should be informed about the USA Patriot Act in as nonjudgmental a fashion as possible. Therefore, the Library Board supports the continued posting of its current policy, to which reference is made above.

NL/bh

cc: Mayor Seng
Library Board
Library Director

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CITY COUNCIL
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**LIBRARY BOARD MEETING MINUTES
TUESDAY, MARCH 16, 2004: 8:00 A.M.
BOARD ROOM, BENNETT MARTIN PUBLIC LIBRARY
LINCOLN, NEBRASKA**

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CITY COUNCIL
OFFICE

LIBRARY BOARD MEMBERS PRESENT: Lynda Anderson, Marlene Cupp, Jeff Kirkpatrick, Norm Langemach, Shirley Maly, James O'Hanlon, Darrell Podany. Absent: None

OTHERS PRESENT: Carol J. Connor, Library Director; John Dale, Assistant Library Director; Barbara Hansen, Administrative Aide; Paul Jones, Accountant; John Felton, Information Services & Technology Coordinator; Sheila Jacobs, Outreach Supervisor; Myrna Tewes, Public Services Coordinator; Gary Meier, Building & Grounds Superintendent; Pat Leach Youth Services Supervisor; Kim Shelley, Walt Branch Supervisor; Mike Heavican, US Attorney; Gina Palokangas, FBI; Connor Reuter, City Attorney's Office; Deb Buhro, Lincoln City Library Foundation.

The meeting was called to order by President Podany at 8:03 a.m.

APPROVAL OF AGENDA: The Agenda/Meeting Notice was posted according to the Open Meeting Laws of the State of Nebraska. Ms. Anderson moved the agenda be approved as posted. Second by Ms. Maly. Roll Call Vote: Anderson, Cupp, Kirkpatrick, Langemach, Maly, O'Hanlon, Podany. Motion carried.

PUBLIC COMMENT ON AGENDA ITEMS:

USA Patriot Act - Mr. Podany explained representatives from the Lincoln Bill of Rights Defense Coalition had attended the January board meeting to discuss a resolution the organization planned to present to the City Council regarding the USA Patriot Act. Mike Heavican, U.S. Attorney for the District of Nebraska, and Gina Palokangas of the FBI were introduced.

Mr. Heavican explained that his comments would concentrate on Section 215 of the Patriot Act which is the FISA warrant section. This section has been the greatest concern among the library community. This is the section that would allow the FBI to get a warrant for library records. The FISA court is not a court of the Patriot Act, it was not invented by the Patriot Act. The Patriot Act has over 100 sections to it with all kinds of legal minutia in it. The FISA Court was set up in 1978 under a bill from Congress signed by President Carter. The FISA Court was designed to put limits on investigative agencies as to how and what they could do in terms of investigative kinds of things. The FISA Court is sometimes called a secret court but it is not secretive in the sense that the judges for example are just regular District Court judges from around the country. There are eleven or twelve of them currently with a heavy concentration from the District Court in Washington D.C. area. The judges are selected from around the United States by the Chief Justice and are the same judges that handle all of the kinds of legal questions that go to a District Court Judge, a trial court judge on the federal level. A FISA Court warrant is a request from the FBI to get certain kinds of documents including financial records, travel records, phone records and so forth. What the Patriot Act did was actually expand the kinds of records that can be gotten through FISA Court warrants. Prior to the Patriot Act the records were limited primarily to telephone records and so forth. Now it includes all tangible items. That greatly broadens what the FBI can request but they must be in relation to international terrorism or a clandestine intelligence operation. The warrant must be focused on the international terrorism area. It cannot be in regard to a United States person, which is primarily a United States citizen. It cannot go after records of somebody who has merely exercised their First Amendment rights. It is very limited in regard to what the request can be for. This is used very sparingly and on a very limited basis. - Mr. Heavican noted that he had never seen a FISA Court warrant in his life and predicted that the Library Board will never see

one. It is a very rare possibility that anyone would use one of these things in Lincoln, Nebraska; especially in the libraries of Lincoln, Nebraska. You are more likely to be hit by a meteor as you leave the building today than see one of these things. Obviously it is an application to a judge. The judge can turn down the application. There have been questions about accountability. Again, accountability is with the judges themselves. Every six months the FBI and the Justice Department have to make a report to Congress, to two committees of the Senate and two committees of the House, as to how many times these warrant requests have been made. The Attorney General of the United States reported in October or November that no requests for library records had been made under FISA. Mr. Heavican stated he explains all of this so that the board can take an objective look at the text of Section 215 as it relates to the library, what it means to libraries in general and to the country in general. It is very proper that people debate these kinds of things. When involved in discussions of the Patriot Act, Mr. Heavican always asks people to specifically talk about sections, not talk about the Patriot Act in general and focus on things that they may like or dislike about a specific section. It is very important to the FBI and to the country for us to be able to be accurate in the intelligence that we get and to be timely with the intelligence that we get. That is an important provision of the Patriot Act.

Mr. Heavican introduced Gina Polokangas explaining that she would report on the functions inside the FBI and the checks and balances in the FBI. Ms. Polokangas reported a FISA warrant is not something that is used very often in the FBI. She is not certain but doubts that it has been used as this point. It is very important to have in the event it is needed but it is not something used very often. We most often get national security letters for phone records, bank records and for consumer credit information. That is how the FBI normally gets its records in intelligence type cases. The business records provision enacted by Congress gives the FBI the ability to get records from a third party, someone who is holding someone else's records, in the event that person decides not to give those records to the FBI. As an example, in international terrorism cases for instance that someone has rented a car and that information is vital to our investigation, we can go through the car rental company and ask them who rented this card on this date. They have the ability under law to give or not to give the FBI access. It is their right. The business record provision in FISA is a way for the FBI to compel them to provide the records. That is why the business record provision is there, in the event the FBI needs information for a terrorism investigation and someone decides they do not want to give the FBI the records. The FBI can compel the business to provide the records. This is similar to a criminal investigation and the grand jury process. How does the FBI go about getting a FISA business records order? First of all the FBI has to have an authorized terrorism or foreign counter intelligence case which has to be approved by headquarters. Once there is an authorized investigation an application is made which has to be approved by the person in command of the division. At the field office level you have to approve the application which is then sent to the headquarters for review. The legal counsel at headquarters decides if the application is put forward. Once approved to put forward, it goes to the Department of Justice Office of Intelligence Policy and Review. This is the group that prepares the FISA applications before they go to the FISA court. Once it goes to the FISA court it goes before a regular District Court Judge to decide whether or not to give the FBI the order for the records. Again, the only time the FBI can get a FISA warrant is in pursuit of information in terrorism or counter intelligence cases where the FBI has an open authorized investigation. The FBI can only open certain types of investigations based on Attorney General guidelines. The Attorney General prescribes rules on how cases are opened and what information is needed in order to open cases. To Ms. Polokangas' knowledge the FBI has never asked for library records. It would be a very rare circumstance but it could happen, though not very likely. People who hold other people's records have the ability to decide whether or not to give the FBI the records.

Mr. Heavican explained that getting these kinds of records is not new. There has been that ability under criminal law investigation. Grand jury subpoenas have always had that power. On a weekly basis that is done to get people's financial records, medical records, and phone records. This is not a new concept. Certainly in regard to libraries, Ms. Polokangas stated this very rarely is done.

Mr. Langemach asked about activities protected by the First Amendment to the Constitution such as reading a book. Suppose someone is reading a book that may enable them to commit international terrorism. Ms. Polokangas stated that before the FBI can even ask for the library records, they have to already have an open authorized investigation on someone that they have reason to believe is participating in terrorism. The FBI cannot open cases on people just because of a First Amendment right. The FBI has to have reasonable belief that they are involved in some way, shape or form in terrorism or foreign counter intelligence. Once that case is open, if it aids the investigation in determining whether they are participating in those activities, it is conceivable that the FBI might want to see what books the person has read.

Mr. Langemach explained that is what he is getting at. Reading a book is not protected by the phrase "activities protected by the First Amendment."

Ms. Polokangas agreed but explained that the FBI is not going to go to a library and seek records for all people who read a certain book. The provision does not allow for that. The FBI would only be able to get records from a library if the FBI already had other information that a person was committing terrorism or counter intelligence activities. If it aids the investigation and is relevant to the investigation then the FBI could seek library records if they wanted them.

Mr. O'Hanlon explained that the representatives from The Defense of the Bill of Rights Coalition proposed that a warning be posted notifying the public.

Mr. Heavican disagreed with the implication that the Attorney General intends to violate people's rights. The Patriot Act was passed by Congress, not the Attorney General. If a sign is put up, a "no expectation of privacy" statement would not be found offensive. That was accurate before the Patriot Act was passed. There is no place on the face of the earth, including your bedroom, bathroom and office that cannot, using some standard, be searched to get records. If it is your home or your office there is a probable cause standard. If it is a third party record holder, there is some lesser standard. The likelihood of anyone using Lincoln City Libraries being subjected to this is incredibly small.

Mrs. Connor explained that one aspect that comes up which is confusing is who the Library Director can speak to if a FISA warrant is issued on the library. It is Mrs. Connor's understanding that in the remote possibility that she was served the only people she could talk to would be the City Attorney's office. Is that correct?

Mr. Heavican stated that you can always talk to the City Attorney's Office. What you cannot do is call the person whose records have been requested.

Mrs. Connor explained that the library had been served prior to the Patriot Act. Since 1978 when Mrs. Connor became Director, the library has been served three times with warrants or subpoenas and the person has never been contacted but Mrs. Connor has always been able to tell the Library Board or the Mayor's Office. Is it correct that if a FISA warrant was issued, Mrs. Connor would not be able to do that?

Ms. Polokangas explained the FISA court orders might contain a nondisclosure provision which would not prohibit you from contacting the City Attorney. It would probably not be a good idea to talk to others about the request. That is due to the fact that these are usually sensitive investigations. You can contact your lawyer and staff necessary to prepare the record. You are encouraged not to discuss the warrant with too many people because word can get out very easily.

Mrs. Connor stated that she has heard that if a librarian talks to the President of the Library Board or the Mayor's Office and reports the warrant, the librarian would be violating the law. Is that correct?

Ms. Polokangas explained that it would depend on what the specific warrant said. You would not be in violation if you need to talk to these people in order to provide the records. The FBI understands that you may have to talk to several people in order to gather the records. The nondisclosure order will mostly mean talking to the subject of the record. As a practical matter you are asked to not talk to more people than you have to in order to comply with the order.

Mrs. Connor stated that she is not clear of the difference between a warrant and a subpoena. Readings have indicated that under one form she would have to respond immediately and under the other form she could take some time.

Ms. Polokangas explained that in the grand jury system you would have a deadline that they ask you to comply by. Under the FISA court business record order there would be a date for compliance and it would not be immediate. Time would be given to get the records together. You would also be given a contact person's name to call if an extension of time is needed to get the records together.

Mr. Kirkpatrick asked what the difference is between what you can do under the Patriot Act as far as libraries are concerned and what could be done prior to the Patriot Act?

Mr. Heavican explained that there is, basically, nothing. The grand jury system is used for criminal investigations. FISA warrants are in regard to terrorism and foreign intelligence activities.

Ms. Polokangas explained that prior to the Patriot Act as far as libraries were concerned in intelligence cases, the only business records the FBI could get under a FISA court order prior to the Patriot Act were motor vehicle carriers, public storage, hotel records, and airline records. Those were the only things the FBI could seek orders for. As you can imagine there is a minutia of records that the FBI may need in an intelligence investigation that they could not get. So the act takes it from those four specific items to tangible records held by a third party. That is the basic difference. Prior to the Patriot Act the FBI was unable to get records other than in the four specific categories. Prior to the Patriot Act if a terrorist went to a pawn shop and traded items the FBI had no legal way to compel the pawn shop to provide information.

Ms. Cupp stated that none of this act applies to U.S. citizens. Ms. Polokangas stated that was not correct. It would apply to U.S. citizens if there was an authorized terrorism or foreign counter intelligence case open on that person. The standards for opening cases on United States persons are higher than standards for non U.S. citizens. The act can apply to U.S. citizens.

Mr. Heavican expressed his appreciation to the board for allowing time for this discussion and encouraged board members to contact his office if there are any more questions or problems.

APPROVAL OF MINUTES: Ms. Anderson moved to approve the minutes of the February 17, 2004 meeting as mailed. Second by Mr. Kirkpatrick. Roll Call Vote: Cupp, Kirkpatrick, Langemach, Maly, O'Hanlon, Podany, Anderson – aye. Motion carried.

STANDING COMMITTEE REPORTS:

Committee on Administration – Mr. Podany reported the Committee on administration did meet and discussed Section 215 of the Patriot Act. Ms. Maly explained the committee met and discussed the Bill of Rights Defense Coalition report that they would be presenting a resolution to the City Council at the end of March. This prompted the committee's meeting because within the resolution they ask that a notice be posted in the library. Section 215 of the Patriot Act was also reviewed and discussed in relation to the library. Lincoln City Libraries has had a "Privacy of Library Files" policy since 1981. The committee discussed how the board should respond if the coalition presents a resolution to the City Council and it is looked upon affirmatively. It is the consensus of the committee to bring the issue to the board for discussion. Does the Library Board want to post a notice if that is what it would be asked to do?

Mr. Langemach asked if a sign was to be posted, what would it say. Does the board want to take preemptive action to determine what the sign would say if asked to do so?

Mrs. Connor explained that she is concerned because the library tries to maintain a neutral environment. We try to maintain an environment that no matter what your political party is, no matter what your political beliefs are, no matter what your viewpoint is, you are welcome in this institution. Mrs. Connor is concerned that: 1) putting up a sign changes that environment; and 2) the specific language of the proposed sign has an attitude.

Mr. Podany asked if the City Council could compel the Library Board to post signs?

Mrs. Connor explained that she does not think the Council can compel the Library Board but it would need to be checked with the City Attorney.

Connor Reuter explained that involves a point of tension in the ordinances. The Library Board is given authority over the facilities but clearly it responds in many ways in a subordinate role to the council. It comes back to the age old question of are you a charter library or are you a state statute library? Ms. Reuter stated that she thinks the Law Department has determined that this is a charter library. The decision would have to be made as to whether posting a sign has to do with the running of the facility. There is not a clear cut answer. Ms. Reuter stated that her instinct is to say that if the City Council ordered it, the Library Board would have a tough time resisting it from a legal stand point but it is not black and white.

Mr. O'Hanlon asked if there was currently anything posted about the privacy policy. Mrs. Connor indicated there is not. Mr. O'Hanlon stated that if the library is asked to post a sign, the board should respond as Mrs. Connor has suggested.

Mr. Langemach stated that if the board is going to be forced to post something, one option would be to simply post the language of the statute that covers public records without making editorial statements.

Ms. Reuter stated that there is already language in library policy to the fact that you have no right to privacy on the Internet. That may be language that could be used.

Mr. Kirkpatrick stated that one of his concerns would be that if you post something that is short enough that people actually read it, that it may discourage some people from frequenting a library facility.

Mr. Langemach stated that even though the use of this provision against the library is a fairly miniscule possibility, it is not a zero possibility.

Mrs. Connor stated that she understands the distinction between pre-Patriot Act and post-Patriot Act is the criteria. Before when the library was served with a subpoena or warrant it was based on a specific criminal act, but now there is a broader interpretation in order to collect information. That is the major distinction. The library has always respected subpoenas and warrants before the Patriot Act. Mrs. Connor stated that she is not taking a position on the Patriot Act but when it comes to the library, the only distinction she really sees is the criteria for getting the documents and that is out of our hands.

Mr. Langemach asked if the argument would then be that before the Patriot Act a similar response might have been to post the statute about search and seizure for example.

Ms. Anderson asked if there was anything wrong with posting the current privacy policy. It is neutral and it clearly states that a valid subpoena or court order is required. As long as that covers any Patriot Act warrant, there is no difference.

Mrs. Connor stated that she has no problem with that. The privacy policy has been in existence since 1981 and is something that has been adhered to.

Ms. Cupp agreed that is an excellent idea because you need to have something and you need to give staff some indication of what they can say to someone when they come up to the desk and ask the question. The library does not need to take a stand on the Patriot Act. But you do have to listen to what the people who are using the library need. This has been a very controversial issue and people hear bits and pieces. The privacy policy is the best thing for the library to refer to when questions come up because that was done in another time without any pressure.

Mr. Kirkpatrick moved the Privacy of Library Files policy be posted in every branch of the library in at least one location. Second by Ms. Cupp.

Ms. Maly asked if this posting would take place regardless of whatever happens with the Council.

Ms. Anderson stated it is a library policy, it is neutral, informative and if someone comes in asking what the library would do regarding the Patriot Act, staff can refer to the policy.

Mr. Kirkpatrick stated that if the Council seeks board input, the board can refer to the posted policy.

Roll Call Vote: Kirkpatrick, Langemach, Maly, O'Hanlon, Podany, Anderson, Cupp – aye.

Motion carried.

Mr. Podany recapped that if asked the response of the board will be that the board considered the implications, had input from both sides of the issue, and decided to post the privacy policy that has been in force for several years. The Patriot Act has not affected the way we do business, we comply with legal orders that come before us and see no need to put any further statement regarding the Patriot Act in library facilities.

Ms. Cupp stated this is not a repudiation of the people who are working with the Defense of the Bill of Rights Coalition but the library making an independent decision.

Ms. Anderson stated that nowhere in the privacy policy is the public told that once they return a book the information is no longer available on their record.

Mrs. Connor explained that unless there is a fine on a library item, the record is not kept. However, the link remains for 30 days in case the next person who checks out the book finds that the book is damaged, then the first borrower is able to be charged for the damage.

Committee on Buildings and Grounds: The committee had not met but it was reported that the contract for the shades for the Eiseley and Walt branch libraries has been signed. A preconstruction meeting has been held and some preliminary work is being done by the electrician. A time line will be developed and the work will require reduced hours at the branches while the work is being done. This may mean that Eiseley and Walt branches may not open until noon on the days work is being done. We should be able to give library users two to three weeks notice of the change in schedule.

Committee on Finance: Ms. Maly reported on the recap of expenditures for February 2004 listing claims in the amount of \$574,400.57 from operational funds and \$24,022.40 from other funds for a total expenditure of \$598,422.97. Ms. Maly moved approval of the report and payment of all claims. Second by Mr. Langemach. Roll Call Vote: Langemach, Maly, O'Hanlon, Podany, Anderson, Cupp, Kirkpatrick – aye. Motion carried.

SPECIAL COMMITTEE REPORTS:

Future Library Development – No report.

Internet Policy Development and Implementation - Assistant Library Director John Dale and Information Services & Technology Coordinator John Felton presented information on the placement of filtered Internet terminals at all libraries.

Anderson Branch

- Filtered Internet terminals will be placed in the teen space and by the front gate
- The computer lab and express computer will be unfiltered.

Arnold Heights

- Filtered Internet access on computer in main area next to youth collection
- Unfiltered Internet access in adult area where copier now located.

Bennett Martin Public Library

- Filtered Internet access (2 computers) in youth services on first floor; 1 filtered terminal on second floor in young adult area.
- Unfiltered Internet access in computer lab

the Malone Community Center was held at Elliot school on January 20th. It was an outgrowth from a two day design meeting where ideas were presented for a possible combination Malone Center and City Community Center. It would be on the east bank of Antelope Creek in the approximate area where the Malone Center is now located. The ideas are conceptual at this point with funding needing to be identified. It was noted that in the past the Malone Community Center had expressed interest in library service at the center. It was noted that the center is not really looking for public library services but more for an archival library to house Malone community documents, etc.

PUBLIC COMMENT: Mark Weddleton and Joshua Cramer, representing the Lincoln Bill of Rights Defense Coalition addressed the board regarding making Lincoln a USA Patriot Act Free Zone. Mr. Weddleton reported a resolution would be introduced in late March to the City Council. The Lincoln Bill of Rights Defense Coalition is not asking the Library Board to take any action on the resolution but wanted to inform the board of the coalition's intent. Mr. Weddleton read one part of the resolution involving Lincoln City Libraries into the record. This resolution "Advises Lincoln City Libraries to post in a prominent place a notice to library users as follows: 'WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of your computer use and of the books and other materials you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: U.S. Attorney General, Department of Justice, Washington, D.C., 20530.'"

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:06 p.m.

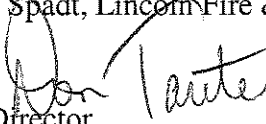
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SEP 08 2004
CITY COUNCIL
OFFICE

INTERDEPARTMENT COMMUNICATION

DATE: September 7, 2004

TO: City Council

COPIES TO: Coleen Seng, Mayor
Mark Bowen, Chief of Staff
Dana Roper, City Attorney
Joan Ross, City Clerk
Chief Mike Spadt, Lincoln Fire & Rescue

FROM: Don Taute 
Personnel Director

SUBJECT: Bills 04-165 and 04R-233 on September 13th, 2004 Council Agenda

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CITY COUNCIL
OFFICE

There are two items on the September 13th, 2004 City Council Agenda, which I will address in this communication. Bill 04-165 is an ordinance to approve the pay plan for employees represented by the International Association of Firefighters, Local No. 644, for the 2004-2005 fiscal year. The second item, Bill 04R-233, is a resolution to approve the contract between the City of Lincoln and IAFF Local 644 for a four-year period from August 12th, 2004, through August 31st, 2008.

The purpose of this communication is to request that Council hold second and third readings on Bill 04-165 at its September 13th, 2004 meeting and not delay action on Bill 04R-233 until after September 13th, 2004 for the following reasons:

1. A delay in approval of the pay plan and contract subsequent to September 13th, 2004 would carry over into a third pay period of the fiscal year thereby necessitating additional calculations of retroactive pay to be made for this fiscal year;
2. Since the effective date of the contract for purposes of pay is August 12th, 2004, approval on September 13th of the contract and the pay plan would require a retroactive pay calculation of only two pay periods;
3. By approving the contract Bill 04R-233 on September 13th, 2004, it would allow Personnel and Payroll to implement the wage increase outlined in the pay plan for 2004-2005 and begin paying at the new rates for the pay period ending September 22nd, 2004 for the pay check to be received on September 30th, 2004; and

INTERDEPARTMENT COMMUNICATION

To City Council

September 7, 2004

Subject: Bills 04-165 & 04R-233 on Sept. 13th, 2004 Council Agenda

Page 2

4. Due to the significant number of programming changes that need to be made for purposes of calculating retroactive pay and the integration of those programming changes with the Fire Department payroll system, the adoption of these bills on September 13th, 2004 will allow the retroactive pay to be paid (we hope) by sometime in late November or early December of 2004, any additional delays would require a further delay in payment of the retroactive pay due back to August 12th, 2004.

Thank you for your consideration in holding second and third readings on Bill 04-165 and taking action on Bill 04R-233 at your September 13th, 2004 meeting.

DT3229D



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County

Planning Department

Marvin S. Krout, Director

Mary F. Bills-Strand, Chair

City-County Planning Commission

555 South 10th Street

Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

September 3, 2004

W. Cecil Steward, FAIA, President
Joslyn Castle Institute for Sustainable Communities
3902 Davenport Street
Omaha, NE 68131

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SEP 07 2004

CITY COUNCIL
OFFICE

RE: Letter of Support for Continuation of Flatwater Metroplex Project

Dear Cecil:

I am pleased to provide this letter of support for the Joslyn Castle Institute to continue their efforts on planning and development issues in the Flatwater Metroplex region. The Joslyn Castle Institute is well positioned to provide an independent voice for planning and development issues for the urban and rural areas of Lincoln, Omaha, Council Bluffs and the surrounding areas. Most importantly, the Joslyn Castle Institute is the only organization focused on regional quality of life and planning issues for over 120 communities, including over one million people who live and work in the Metroplex region.

Over the past three years, under your leadership, the Joslyn Castle Institute has established a solid foundation in which to evaluate critical planning and development issues that have become part of the community's dialogue on growth and quality of life. However, additional effort is still needed to further refine and accomplish the goals that are part of the Flatwater Metroplex Report's findings.

I wish the Joslyn Castle Institute success in your application to secure funding from the Nebraska Environmental Trust Fund, and look forward to working with the Institute in the future on regional planning and quality of life issues.

Sincerely,

Marvin S. Krout
Director of Planning

cc: Mayor's Office
City Council
County Board
File



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair
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Suite 213

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September 3, 2004

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Sincerely,


Marvin S. Krout
Director of Planning

cc: Mayor's Office
City Council
County Board
File

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SEP 08 2004
CITY COUNCIL
OFFICE

MEMORANDUM

TO: City Council Members

FROM: Greg Czaplewski, Planning Department 

SUBJECT: Street Vacation #04008, follow-up information to Factsheet paragraph 8

DATE: September 7, 2004

As mentioned in the Factsheet, Petitioner would like to retain the existing street return at "Y" Street, and has offered to provide a public access easement over the vacated area. The attached drawing was submitted to indicate the relocation of the fence and additional paving on the east side of 21st Street. The additional paving and relocation of the fence will provide room for maneuvering trucks needing to access the dock doors, as well as for the public to travel past trucks being loaded.

Thank you.

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CITY COUNCIL
OFFICE

EXISTING POWER POLES

18'-0"

A-1

A-1



23'-8"

EXISTING
GUTTER
FLOW LINE

24th STREET IS ABANDONED
SOUTH OF THIS LINE
EXISTING TREE
TO REMAIN

EXISTING ASPHALT
PAVING TO REMAIN

44'-0"

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SEP 2 2004

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

SEP 2 2004

REMOVE TREE
EXISTING BRICK
PAVING TO REMAIN
INSTALL NEW T
THICK CONC FROM
EXISTING FLOW W/
EXISTING ASPHALT
AT PROPERTY LINE
REMOVE TREE
RELOCATE EXISTING
FENCE TO THIS
LOCATION
INSTALL NEW
T THICK CONC
PAVING SLOPE
AS INDICATED
FROM EXISTING
FLOW LINE TO
FACE OF BUILDING
SEE ELEVATION

51'-0"

INSTALL COMPACTED FILL
AS REQUIRED TO BRING UP
GRADE OR LOWER GRADE
TO MEET LEVEL REQUIRED
AT EACH DOCK DOOR
EXISTING FIRE HYDRANT
LOCATION - COORDINATE
WITH WATER DEPARTMENT
TO RELOCATE AS REQUIRED



26'-4"

THICK CONCRETE
DOWN TO GRADE

24'-0"

4'-0"

EXISTING CONCRETE DOCK
& RAMP TO REMAIN

EXISTING CONCRETE
DRIVE TO REMAIN

99'-15"

99'-30"

47'-10"

EXISTING FENCE
MOVE TO INSIDE
PROPERTY LINE



NORTH

8 9 10 11 12 13 14



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

September 9, 2004

Michael R. Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

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SEP 09 2004

CITY COUNCIL
OFFICE

RE: Morning Glory Estates 2nd Addition Final Plat #04063

Dear Mr. Johnson,

Morning Glory Estates 2nd Addition was approved by the Planning Director on September 9, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Becky Horner, 441-6373, rhorne@lincoln.ne.gov
Planner

CC: Holdrege Investors
Joan Ray, City Council (14)
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

F:\FILES\PLANNING\PC\FP\04000\FP04063.morninggloryestates2nd.rdh.wpd

LINCOLN

The Community of Opportunity

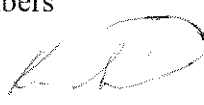
M e m o r a n d u m

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SEP 08 2004

CITY COUNCIL
OFFICE

To: City Council Members

From: Ken Smith
Parking Manager 

Subject: Proposed Bill No. 04R-239

Date: September 9, 2004

cc: Allan Abbott, Margaret Remmenga, Mayor's Office

Proposed Bill No. 04R-239 is a resolution authorizing the Mayor to approve a four-year contract with Republic Parking System for the day-to-day management of all the City parking garages and lots.

Republic Parking System was recently chosen to operate the City of Lincoln parking facilities by a Mayoral approved committee. Committee members were:

- Tad McDowell – UNL
- Wendy Birdsall – Chamber Convention & Visitors Bureau
- Tom Wright – DLA/Wrights Jewelry
- Polly McMullen – DLA
- Captain Joy Citta – LPD
- Vince Mejer – Purchasing
- Margaret Remmenga – Public Works & Utilities
- Ken Smith – Public Works & Utilities

Republic was chosen from seven firms which submitted Request for Proposals and three firms were short listed and interviewed by the Committee. Republic received the majority of votes based on their management experience and upper executive involvement.

Republic Parking System has become one of the largest providers of parking management services across the United States by their dedication to clients, customers, and commitment to employee development. They offer an experienced and more sophisticated local General Manager with better training programs at all levels for employees. Republic is a niche company which focuses on municipal operations which allows them to keep upper management involved at the local level. When upper management is involved at this level, a more regular, detailed, audit program is implemented and this in turn increases revenues and reduces expenses. Republic offers a number of amenities for the client and customer service is touted as first class. They feel they can bring a higher level of talent to our quality operations here in Lincoln.

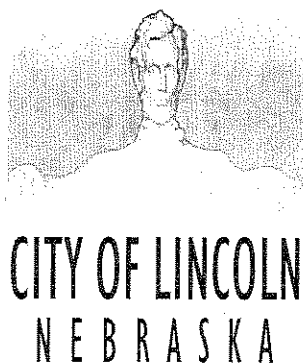
City Council Members

Page 2

September 8, 2004

There is currently a study implemented by the Downtown Lincoln Association and the City of Lincoln that Carl Walker is leading. The intent of this study is to conduct a comprehensive assessment of the City's parking operations and management. The intent is to create a downtown parking system built around guiding principles agreed upon on a group representative of the users of that system. While that parking study is separate from this parking management agreement, once those guiding principles are identified, Republic Parking could be instrumental in helping make those happen or the contract could be terminated.

Proposed Bill 04R239_City Council Memo_090804 KDS.wpd



PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

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SEP 09 2004

CITY COUNCIL
OFFICE

www.ci.lincoln.ne.us

North 48th Street; Cornhusker - Superior Project #701753 September 9, 2004

Dobson Brothers will be starting the work on 48th Street the week of September 13, 2004. During this week, the work will be done under lane closures and between the rush hour times of 8:30 a.m. and 3:30 p.m. The week of September 20, 2004, the street will be under total closure to mill the existing asphalt surface and lay the new asphalt.

If you have any questions or concerns, please call the City Project Manager Steve Faust at 441-7711 or Dobson Brothers Project Manager Dave Olson at 474-5115.

Thank you for your cooperation.

Combined Weed Program

City of Lincoln

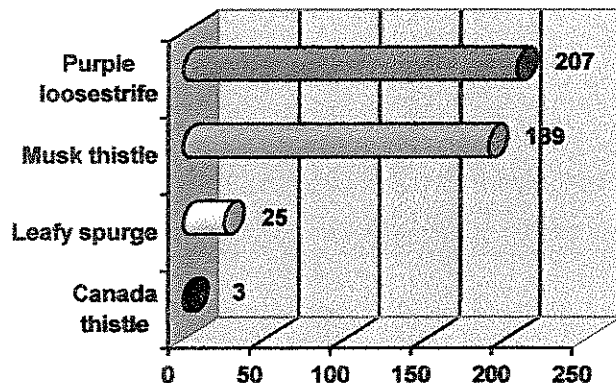
August 2004 Monthly Report

Inspection Activity

- 4,153 inspections on 2,006 sites have been made to date.
- 717 inspections were made during the month.

Noxious Weeds

- Made 1,042 inspections on 508 sites on 1,870 acres.
- Found 424 violations on 322 acres.



- Found no violations on 81 sites.
- Sent 45 notices, 320 letters, 9 trace cards and made 59 personal contacts.
- 218 control plans have been received.
- 10 sites controlled by inspectors.
- 370 sites controlled by landowners.
- 1 site forced controlled by contractors
- Control is pending on 4 sites.

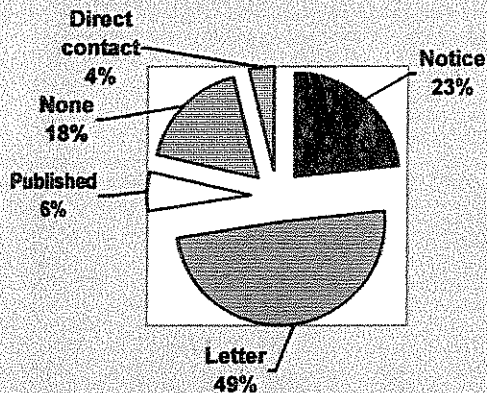
Weed Abatement

- Made 3,111 inspections on 1,498 sites on 1,115 acres.
- Found 1,209 violations on 787 acres.
- Found no violations on 294 sites.
- Sent 390 notices, 815 letters, published 103 notifications and made 63 personal contacts.
- 952 sites cut by landowners.
- 64 force cut by contractors

- Cutting is pending on 179 sites.
- 1,465 complaints received on 1,199 sites.

INSPECTION SUMMARY

3,111 Inspections of 1,498 sites



Purple Loosestrife

Purple loosestrife has been found in over 1,000 homeowner yards since 2000. Wild plants have been found in 24 drainageways and wetland sites including Deadmans Run and Antelope Creek. There is the potential threat of infestations in Salt Creek. I have notified Glenn Johanson, Manager of the Lower Platte South NRD. I will be preparing a detailed report for distribution to the City and the NRD.

AUGUST Activities

- 8 Mgt Team Mtg
- 26 LPWMA Tour
- 29 LPWMA Meeting
- 31 Monthly activity report
- State fair committee

SEPTEMBER Planned

Activities

- 2 Mgt Team Mtg
- 6 fair exhibit
- 9 SE NACO fall meeting
- 21-24 NAWMA Conference Rapid City, SD
- 30 Monthly activity report

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SEP 08 2004
CITY COUNCIL
OFFICE

SEP 03 2004

CITY OF LINCOLN
OFFICE

Joan V Ray

09/03/2004 10:39 AM

To: council members,
cc:
Subject: Pedestrian traffic Safety Issues

Council Members: FYI - This e-mail will be on the Directors' Agenda for 06-13-04; however, the attachment (Pedestrian Safety Handbook from the ACB webpage) will not be copied.

Joan Ray
Council Office

----- Forwarded by Joan V Ray/Notes on 09/03/2004 10:40 AM -----



"Bob Doulas"
<bdoulas@inebraska.com>

09/03/2004 10:30 AM

To: <twerner@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>,
<council@ci.lincoln.ne.us>
cc: <shank@ncbvi.state.ne.us>, "jeff T altman"
<jtaltman@ncbvi.state.ne.us>, <ljochem@ci.lincoln.ne.us>
Subject: Pedestrian traffic Safety Issues

Terry and others,

in reference to our conversation on Saturday August 21 during the celebrating Neighborhoods function, regarding the safety of pedestrians, crossing major intersections especially where "O" street is 6 lanes wide.

As a follow-up to that conversation, which took place On August 26 I had a certified mobility instructor from the Commission for the Blind observe me cross "O" street at several locations. As a part of that observation we put a stopwatch on the sequencing of the traffic lights on "O" street with the following results.

From the time the light, (Signal Pedhead), went to walk, to the time it stopped flashing don't walk was exactly 40 seconds. A further analysis of the timing of those lights breaks down as follows.

Walking Interval 7 Seconds

Flashing Don't Walk Interval 33 seconds

Total time allowed to cross O Street 40 seconds.

As the mobility instructor who observed me make the crossing will attest too, I walk faster than the average older pedestrian, even so I just made it in the 40 seconds allotted.

That kind of timing doesn't give you any leeway in crossing, if you encounter any delays in getting off the curb, as the result of turning traffic, never mind if you happen to encounter any type of obstruction such as weather conditions or large amounts of snow or ice as the result of plowing during the winter and as you know is commonly the case.

To quote the mobility instructor, Bob Shanklan, who did the observations "he did not feel that any of the older visually impaired individuals that he currently works with would have made it across that street" in the time allotted.

I have attached a copy of the ACB Pedestrian Safety hand book which provides the minimal standards regarding traffic controlled street crossings and links to other related information such as the department of transportation highway safety manual, (the Uniform manual of Pedestrian traffic control devices) and to Section 501. I hope that the attached information helps with understanding the complexity of and environmental barriers, encountered in making complicated street crossing in high traffic areas.

In addition the attached document includes information on section 504, (Title 2) of the American's with Disability Act (1990) and on section 1204 of the Transportation equity act T21 passed in 1996.

Although much of the materials in this document focuses on the use of audio pedestrian traffic signals, my concern here is restricted to the timing of the lights for the general population.

A review of the minimal crossings standards adopted by the department of highway safety indicates that the formula used for street crossing is as follows.

Authors Note: These guidelines are Based on the fact that the average walking speed of most individuals is 1.2 meters per second which is equivalent to 4 feet per second. Although the timing on the lights in question meets these minimal standards, those lights are timed extremely tight.

That kind of timing doesn't allow for any errors or delays in judgment nor does it allow for turning traffic, which can result in delays in getting off the curb. Nor does it consider the hesitation many elderly persons may have in making the crossing because of delays in processing the cognitive information needed to make the crossing.

As indicated in the attached Pedestrian safety handbook and the engineering manual, (The Uniform Manual of Pedestrian traffic control Devices) which uses the 4 foot per second walking standard in the timing and sequencing of traffic lights.

*** Understand that These standards are the minimal and the manual clearly suggest that the 4 foot per second walking standard can and should be adjusted to meet the walking speed of the elderly, the mobility impaired and that the timing of the walking and flashing don't walk intervals should be adjusted, dependent on the number of lanes to be crossed, the amount of and type of pedestrian foot traffic, traffic volume/speed and suggests that the timing of the signals take into account the complexity of the intersection to be crossed and if other types of traffic controlled signals are present to control or delay traffic flow. i.e. delayed controlled traffic signals for left and right hand turning traffic. Another ingredient in the formula that is very often overlooked is the proximity of the crossing signal to accessing public transportation.

yet we found when timing many of those lights that the timing interval to cross was the same.

For example It was hard to figure out why the timing on O street which is 6 lanes wide and crossing 66th street which is only 4 lanes wide is exactly the same. (40 seconds). Furthermore the width of "O" street at Eastridge Drive, (which is equivalent to 63rd) is 84 feet wide and at 70th the width is 94 feet, yet the timing on those lights are exactly the same.

I and many other elderly and disabled citizens would appreciate you and the rest of the council taking a hard look at this problem.

Another major concern For the Elderly and Disabled is that the location of and access to the pedestrian pushbutton controls in many locations throughout the city.

A cursory review of the access standards related to the location of those controls indicates that the location of the push-button control referred to as the Ped, shall be no more than 1.2 meters, (5 feet) from the crosswalk and no more than 2.4 meters/10 feet from the entrance of the street to be crossed and that standard is clearly not being met in many locations, were pedestrians using wheelchairs and other mobility devices encounter a variety of physical barriers in reaching the Ped control and returning to cross the street.

e.g. 27 and "O" street, 48 and "o"street and at 70th and "O" street etc.

Therefor the location of those Ped controls clearly do not meet the guidelines.

I will remind the council that according to the Transit equity act, (1996) all new construction, and that would apply to the widening of "O" street must meet thos 1996 accessibility guidelines.

Furthermore For those of us that do not drive because of a physical disability, access to public transportation is a necessity and not a mere convenience and access to transportation is covered under the law. i.e. Crossing "O" street is necessary to catching a number of busses in what can be considered to be trunc routs.i.e. Vets Hospital, "O" street shuttel etc and pedestrian crossing signals in close proximity to accessing transportation is one of the variabilities in the timing of traffic lights. Simply telling a disabled person that he or she can catch the bus on the oppisit side of the street and ride the rout around as an alturnative to crossing the street in order to remain safe, does not constatute a resonable accommodation; even if they are not being charged for two trips because of the time and inconvenience it causes.

It would seem that by simply adding 5 to 10 seconds to allow for crossing the street safely and using a three (3) foot per second walking standard and extending the walking phases would solve the problem, especially when a push-buttons pedestrian crossing control device is being used, so that the time allotted to cross the street can be extended.

An alturnative to using a slower walking speed to determine the pedestrian clearance time is to employ the use of passive pedestrian detection equipment in the crosswalks. Such equipment can detect pedestrians who need more time to complete their crossing. The equipment extends the length of the pedestrian clearance time for that cycle to allow pedestrians to complete their crossing before the cross traffic is permitted to proceed.

Mr Altman who is A certified Orientation and mobility instructor with the commission and has a MS degree in O&M agrees that extending the time and using a 3 foot standard would help resolve the problem. We both feel that This adjustment should only cause a minor interruption to the driver, (waiting an extra 5 to 10 seconds), and to the system.

Note We did not time the crossing at the 63rd without pushing the buttons, because that control is a semi actuated system, therefor the light at Eastridge does not opperate unles the button is pushed .

As a followup to my timing of these lights, I then talked with Lary Jochum who is one of the City Traffic Engeneers, regarding the timing of the lights.

Although Lary expressed his sensativity to the issue and said that he would once again look at the timing to see if he could "possably steell a few more seconds", from somewear in the system for the Eastridge light, indicating that this light which is located across from the Eastmount Towers, already uses a 3.5 foot walking standard, because of the volume of elderly foot trafic at that crossing , which explains why the timing for the Eastridge and 70th crossing are the same. He indicated that he felt that nothing could be done with the 70th and O intersection, because it does not have the same volume of pedestrian foot traffic and that he was caught between the need to move the trafic and the pedestrian safety issues, but he also indicated that if he were to add any time to the lightss that it would cause problems with trafic flow with the other intersections, because the timings of those lights are in a loop and changing one causes back ups at other key intersections.

Ironicy He also stated that if he were to slow down the seequences on the lights that would only leed to pedestrians slowing down their walking speed. That rational is absolutely absurd.

The only thing ellderly and disabled pedistrians want to do is get across the street safely, and that means that they are going to make the crossing as quickly as humaanly possable.

Although I may sympathize with him and understand his Dilemma, we still get back to the same old problem, that trafic flow takes precedence over pedestrian safety.

It is to bad, that we have gotten to the point that the old joke about crossing streets in New York City, now aplys to Lincoln, That being that there are only two pedestrian walking lights, "Don't Walk" and "Run your ass off".

I will remind members of the council and others within the trafic engeneering office that you cannot use or isolate one variable, (Lack of foot trafic at the 70th street crossing), or any other corner as an excuse to not extend the light, because you also need to consider the other variables involved, such as the complexity of the crossing, transportation etc in the timing of the lights.

The issue of the timing on trafic lights is not simply restricted to the O Street Coridor, but is an issue in many location throughout the city, so the engeneering office argument

that changing one light effects the entire loop is a circular one and should be mute.

In addition to extending the timing of the traffic signals, we need a concerted effort on the part of the city and police department to do more about educating the driving public as to pedestrian safety issues and to place an emphacies on enforcing the traffic laws that are already on the books, including enforcing the White Cane Law, which is included in every driving manual and in every written drivers license test. In fact the White Cane Law should be broadened to include any one using any type of cane or other mobility device and that under the laww the ddriver needs to come to a complete stop when encountering a person using a white cane until the blind pedestrian has completed the crossing.

In addition Drivers need to be educated to not creep into a cross walk and interfear with a pedestrian crossing as well as coming to a complete stop before completing an allowable right turn on red, which is the law rather than floting through the turn.

While Lary Yokum agrees that Lincoln drivers are for the most part are very inpatient, inconsiderate and he agrees that there is a need to educate drivers, indicating that his office is working with new drivers to educate them as to the timing sequences of traffic lights, and by driving just under the speed limits allows a driver to catch the lights. he mentioned that the disabled consumer groups need to get involved in educating drivers.

I will remind the councile and others that for years the American council of the blind and the National Federation of the bblind have been involved in the education process, not only With educating the driver, but also in educating the blind consumer as to the use of proper and safe travel skills because it is both of our responsabilities and for years the Lions organization have joined us in this effort. Furthermore I have done two TV programs on the white can law in cordinaation with wite cane month.

It is time that city government and the police department join us in this educational effort and to enforce the laws.

Thank you



Robert Doulas Pedestrian Safety Hand book from ACB web page.

September 3, 2004

Councilman Terry Werner
City Council Office, Co-City Bldg.
555 So. 10th St.
Lincoln, NE 68508

RECEIVED
SEP 07 2004
CITY COUNCIL
OFFICE

Dear Mr. Werner:

I have heard that the passage of a cat leash law for Lincoln is imminent. I sincerely hope that is not the case. You may think this a trivial issue, but it could well be the deciding factor that makes me leave Lincoln.

As a cat owner, I would naturally be opposed to this legislation, since it can only result in the torture of any adult cat that has ever been outdoors. It amounts to the same thing as telling you that you will never be allowed to enjoy nature or breath fresh air again. I say this because very few, if any, adult cats can ever be leash trained, so passage of such a law means they will have to be kept in-doors.

To be fair, I have been doing research on this issue, so I understand most of the arguments in favor: these being protection of the animal from cars and other animals, protection of birds, and elimination of the nuisance factor. I say to the protection advocates, "It should be left to the pet owner to decide if the risk of their pet getting hit by a car or mauled by a dog (which I have experienced) outweighs the pain of depriving a cat of the activities that make it a cat in the first place. Anyone can confine their cat by choice.

However, the issues for the majority of advocates boil down to "birds and poop," to quote one source. Cats do kill some birds, but I'd like to point out that people are far more detrimental to birds just by occupying the same habitat. As an example, my picture windows account for more bird deaths all year round than my cats. Birds fly into them and break their necks. If your intent is to save birds, let's stop further development. I would also like to say to the bird-lovers, that although squirrels don't catch adult birds like cats can, they often destroy all the eggs and entire nests as well which is much more harmful than a cat catching a bird. Cats, on the other hand will catch baby squirrels, which ultimately helps the birds.

The vast majority of people who advocate this law have petty gripes---they don't like cat tracks on their car (but bird poop, though more damaging is OK), cats dug in their flower pots (it was more likely a squirrel), neighborhood cats cause dogs to bark (so do sirens, other dogs, and people walking by). In other words, leashing cats will not eliminate dirty cars, holes in your yards, or barking dogs.

I have not unearthed a single incident where a cat was considered dangerous or proven destructive. Most importantly, I have not found a single good thing that has come about as a result of the passage of this legislation in other cities.

Based on what I have learned, here is what I foresee happening if Lincoln passes this legislation:

1. At first, the number of feral cats will increase. This will happen because people who now have cats as cared-for pets will not be able to live with animals who have been let out on request, but now must be kept indoors because it is unlikely that many adult cats can be leash-trained. Since cats cannot be contained by a fence, the only alternative will be confinement. Desperate cat owners, faced with crying cats who need to be declawed to save the furniture and doors, will stop licensing the animals and let them out to take their chances with Animal Control.

2. The increase in the number of feral cats will lead to a mass "trap and destroy" policy as has occurred in most other cities that have passed such a law. The Humane Society's posted statistic is now 3,500 cats destroyed each year, and some of those are not feral, but have become old or ill and started spraying indoors, so people leave them at the Humane Society. The number of cats destroyed after passage of this law will be many times that and so will the cost of their trapping and destruction. (For this reason alone, I do not understand how the director of the Humane Society can favor this law.)

3. As loose cats are disposed of or kept indoors, there will be a drastic increase in several rodent populations, as cats are their main urban predators. Cats can be a minor nuisance, but rodents can actually be destructive to trees, lawns and gardens, even shingles and lawn furniture, and they carry many diseases.

4. I also predict several kinds of incidents involving leashed cats. A cat on a leash, especially one staked out, has no defense. They can't run, hide, or climb a tree. We have a dog leash law, but it does not keep all dogs on leashes at all times, so cats being walked on leashes or tied out can easily be attacked.

5. Finally, rather than removing the annoyances leash advocates suffer from, there will be even more drastic dissension between people who dislike cats and people who cannot bear to tie them up or keep them indoors. Currently, leash advocates are simply annoyed at about the same intensity that I'm annoyed by rabbits who are eating holes in my lawn and leaving piles of pellets and by squirrels that chew on my shingles, but once a leash law is passed and they have the law on their side, they will become much more aggressive towards loose cats and their owners. I have read several downright frightening comments made by leash advocates.

Since I have been unable to find any proven benefits to weigh against the problems such legislation can create, and, since cats are not dangerous, nor as destructive as rabbits or squirrels, I don't see how a cat leash law can be justified.

Will there be public hearings on this issue? I would like the opportunity to appear.

Sincerely


Sandra McNiff



Joan V Ray

09/07/2004 02:25 PM

To: Wendy Ruth Weiss <wweiss@unlnotes.unl.edu>

cc:

Subject: Re: Defense of Liberty resolution

Dear Wendy Ruth Weiss: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Tammy Grammer
City Council Office
555 South 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
Fax: 402-441-6533

Wendy Ruth Weiss <wweiss@unlnotes.unl.edu>

RECEIVED
SEP 07 2004
CITY COUNCIL
OFFICE



Wendy Ruth Weiss
<wweiss@unlnotes.unl
.edu>

09/05/2004 09:31 PM

To: council@lincoln.ne.gov

cc:

Subject: Defense of Liberty resolution

Dear Members of the City Council,
In these troubling times, I am grateful to the citizens who drafted the Defense of Liberty resolution, which you will consider Monday, Sept. 13, 2004.

I trust you will each support this important resolution to defend our civil rights and communicate our commitment to individual rights that we hold dear to our federal government.

Wendy Weiss, MFA
Professor Textiles, Clothing and Design Dept.
College of Education and Human Sciences
University of Nebraska
Lincoln, NE
tel: 402-477-2713



DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
>

To: General Council <council@lincoln.ne.gov>
cc:
Subject: InterLinc: Council Feedback

09/07/2004 10:30 AM

InterLinc: City Council Feedback for
General Council

Name: Tom Duden
Address: 1501 Old Cheney Rd
City: Lincoln, NE 68512

Phone: 402-441-4000
Fax: 402-441-4045
Email: tom@sds2.com

RECEIVED
SEP 07 2004
CITY COUNCIL
2:52

Comment or Question:

Over the course of several months Design Data and ITI have met with the Mayor Colleen Seng and staff regarding the scope of the 14th and Old Cheney Rd. intersection. We have voiced concerns about the impact of widening the intersection and its effect on both campuses. I have attended several neighborhood meetings and met with various stakeholders about the project. I have serious concerns about the radical change to the dynamics of the area by consolidating two intersections along Old Cheney Rd, Warlick and 14th, drawing them into one huge massive interesection. Increasing the number of right angle collision possibilities and drawing more traffic onto Old Cheney Rd will be hazardous.

The city has not made any concessions or offered any design alternatives to the general public. To date we have not found anyone who is affected by this project, as being in favor of it. We have solicited input from our bordering neighborhood associations and area businesses.

At Design Data we would like to meet with you either individually or collectively in order to inform you better and seek your assistance.

We are not against growth or development. We feel that this project is drastically oversized and is not reflecting the wants and needs of the public. We would like to meet with you at a time a location that is convenient for you. You of course are always invited to stop by anytime.

Please Respond

Tom Duden
Human Resources/Facilities Manager Design Data Corporation
1501 Old Cheney Rd.
Direct Line 402-450-8926




Joan V Ray

09/07/2004 02:31 PM

To: "JamesandCindyJones" <jonesjcb@neb.rr.com>

cc:

Subject: Re: Patriot Act 

Dear Ms. Jones: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Tammy Grammer
City Council Office
555 South 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
Fax: 402-441-6533

"JamesandCindyJones" <jonesjcb@neb.rr.com>



"JamesandCindyJones"

"

<jonesjcb@neb.rr.com

>

To: <council@lincoln.ne.gov>

cc:

Subject: Patriot Act

09/07/2004 06:52 AM

I am aware in this day and age following 9/11 that we need to be more aware of our surroundings and people within those surroundings; however I do not believe that the Patriot Act is the way to go. I feel it infringes on one's civil liberties. Science fiction has caught up with us and now we have Big Brother watching our every move. Unless I have broken a law I do not feel the government has the right because I may fit into a category to review my history. Don't get me wrong, I am in the federal government I have had more than my share of background checks, but the difference is I was totally aware that I was being investigated.

Thank you for your time,

Cindy Jones

RECEIVED
SEP 07 2004
CITY COUNCIL



Joan V Ray

09/07/2004 02:35 PM

To: Dave Peters <dpete@imail.lps.org>

cc:

Subject: Re: Defense of Liberties

Dear Mr. Peters: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Tammy Grammer
City Council Office
555 South 10th Street
Lincoln, NE 68508
Phone: 402-441-6867
Fax: 402-441-6533

Dave Peters <dpete@imail.lps.org>



Dave Peters
<dpete@imail.lps.org>

09/07/2004 09:23 AM

To: council@lincoln.ne.gov

cc:

Subject: Defense of Liberties

Council members,

I want to thank Mr. Cook for filing the Defense of Liberties Resolution and urge you all to consider making a strong statement condemning The USA Patriot Act. As a history teacher, I have come to classify the USA Patriot Act in the same category as the Alien and Sedition Acts of the late 18th century, and the Espionage and Sedition Acts of the First World War. In both cases, the laws were used primarily to silence political dissent during controversial times. Most Americans now understand that the Patriot Act was passed by a shell-shocked U.S. Congress in the days following September 11, and that most of them had no idea of the extent to which civil liberties would/could be infringed upon. It remains a mystery to me how/why even a shell-shocked Congress would agree to such a consolidation of executive power. However, I am encouraged to know that hundreds of municipalities from coast to coast have since condemned the Patriot Act, and I am hopeful that Lincoln will join this growing list. In times when it is hard to trust and respect the federal government, I am glad to have confidence in my local elected officials. Thanks for your consideration.

Sincerely,
David A. Peters
Lincoln

RECEIVED
9/7/07 2004
CITY COUNCIL



Joan V Ray

09/08/2004 09:38 AM

To: mbaker@lps.org
cc: council@lincoln.ne.gov
Subject: Re: Patriot Act Resolution

Dear Mr. Baker: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

mbaker@lps.org

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE



mbaker@lps.org

09/08/2004 07:34 AM

To: council@lincoln.ne.gov
cc:
Subject: Patriot Act Resolution

Dear Council Members,

I encourage you to give careful consideration when debating the merits of the resolution concerning the Patriot Act and its impact on the citizens of our city. Though non-binding, the resolution does send a very strong signal that Lincoln, like over 300 other cities and four states in our nation, will not tolerate abuses of Constitutional liberties.

I am a military veteran who volunteered to defend this nation and I am deeply troubled by those who wish to slowly and deliberately take away cherished rights that I, and other veterans, went to war to protect.

Thank you.

Michael Baker

Thursday, September 2, 2004

The day I thought that doors in my life were opening, only to see them slammed shut in my face!

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

To whom it may concern:

My name is Marie Eliker. Having suffered a stroke in my twenties that left me with right sided paralysis and aphasia has forced me to learn many new things and overcome many obstacles in my life. Independence being a top priority in my life, I am in favor of anything that helps me to maintain that.

I am fortunate enough to live in an apartment complex that is for "independent living" individuals with a neat twist. We have an L.P.N. who serves as our wellness coordinator at no cost to any of us living in the building. She is always thinking of ways to motivate us and keep us involved and as independent as possible. This runs the gamut of, group activities, outings, exercises and referring us to programs that might be beneficial to us.

Although I love getting out, I cannot walk long distances and depend on my power chair for that. She does have a wheelchair accessible van to accommodate that. However, sometimes it would be nice to go out alone or with a friend or two instead of always in a group. Our coordinator bragged to me about an awesome service in Lincoln-The StarTran Handivan. Once registered, they will take you anywhere in Lincoln, not just to medical appointments. I got registered with her help and then my friend got registered as well and this is where our saga begins.

I called to reserve the handivan. I called from our activity room with other fellow residents there who heard my call. I told the dispatcher, "two people in power chairs and one person will be walking". They made a big deal out of both people in power chairs had to be registered but that one person could go along to help who was not registered. I reassured them that both power chair riders were indeed registered.

I was told the van would be coming on Thursday, September 2 at 11:00 a.m. to pick all three of us up and I had to schedule a return trip time home which we set up for 4 :30 p.m.

WOO WHO!!

We did it-we three friends would be going to the Nebraska State Fair!

The wellness coordinator came to check on us at 11:00 a.m. to see if our ride had come. Just then a "Transport Plus" minivan pulled up. The coordinator asked the lady who she was here to get and she said, "Eliker." The coordinator said, "there are two people on power chairs and you can only fit one in that van." The lady radioed her boss who said they only had down one power chair. She did say she could take one power chair and come back for the other but would have to have StarTran authorize it. She radioed her boss again and after a short while he said StarTran said no. The coordinator then called StarTran on her cell phone. The man answering the phone said he did not take the initial reservation, could not authorize anything and all the other people were at lunch and could we call back at 12:15 p.m.? The coordinator said that was not appropriate and asked him if he had the League of Human Dignity phone number so she could talk to them. As he looked for it she told us what he said. He got back on the phone and said he didn't need to take any "verbal-abuse" and hung-up on her!

She then put her B/P clinic on hold and used her van to take me while Transport Plus took my other two friends. We were dropped off at the 17th street entrance. Our coordinator told us to have fun and she would call

StarTran to make sure this confusion didn't happen at our 4:30 p.m. pick up time.

She did call and talk to "Sue" and some other unidentified man on the phone. Stating there was a communication problem somewhere they assured her that a van capable of taking the two power chairs and one walking person would be there.

We had fun at the fair and left in plenty of time to go meet our van. We got to where we were dropped off by 4:05 p.m. and started our wait. After sitting and waiting until about 5:05 p.m. we used a pay phone near by and called the handivan but got a recording. "Now what"? we were thinking. We called another lady in our apartment complex to tell her our dilemma and give her the number of the pay phone where we were at.

Little did we know that our coordinator started to try and call each of us at our homes to see how our first day on the van went. When she could not reach any of us, she called our friend that we had called earlier. She got the pay phone number from her and called us. She was shocked to hear that we were still waiting at 5:30 p.m. She told us to hang on while she made some calls.

Star Tran told her that they sent a van at 4:30 p.m. and nobody was there and they only have to wait 5 minutes. The driver left and brought the van in and went home! She told him that we were where we were supposed to be and no van ever showed up. She then asked the dispatcher if he had another van that he could send at some point to come and get us. He told her no they didn't have room or time to do that! Our coordinator called us back to tell us what had occurred and how sick she was to think they could care less that we had no way of getting home! She told us she would leave her home, drive across town, get a van and come after us.

6:15 p.m. - she was there to take all three of us home. Talk about feeling helpless and hopeless! What a slap in the face. I not only will NEVER use the handivan again, but I will tell everyone and anyone who will listen to me, "Don't depend on the handivan because if there is any slip up no matter how severely you need assistance, you will be left behind to fend for yourself."

I find it absolutely inhumane the way I and my friends were treated. What I thought would be an opportunity for me to spread my wings and assert my independence, turned into one of the scariest and demoralizing days of my life. My friends feel just as strongly as I do.

I challenge any and all of you to spend ONE day in my shoes. Spend it in a wheelchair, with the use of only one side of your body. Then try going through doors without handicap devices to help you, bathrooms that are supposedly wheelchair accessible and best of all being taken somewhere by the handivan and being left there to figure out for yourself how to get home.

That was my day how was yours?! Feel free to take me up on my challenge- I DARE YOU.

P.S.

NOBODY apologized to any of us with the exception of our coordinator. She had nothing to be sorry about, but the city of Lincoln does for not making any of these people accountable for their actions!

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

Maria E. West 477-8460
Charles K. Lauer
Arthur Duckert

City Council
555 S 10th St

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

September 5, 2004

Dear Council Members:

This letter is in reference to the Woods Park land conversion. In this process, the city of Lincoln, as you are aware, needs to purchase replacement parkland for the park land lost to the Health Department expansion. According to the LWCF guidelines, Section 6(f)(3) which states:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least fair market value and of reasonably equivalent usefulness and location.


We are aware that two appraisals have been done. The first appraisal placed the fair market value at \$570,000.00. This was an appraisal by an independent real estate appraiser. Public Building Administrator Don Killeen disputed the valuation. Another appraisal was done and the value was lowered to \$319,740.00. It is our understanding that they used a residential value for the land at the southern end of the parcel. Is this how fair market value should be determined? The land in question abuts the current eastern boundary of the Health Department's property. The Health Department Property, I believe, was zoned O-2 before it was zoned "P". The land in question is not and never has been contiguous with residential land. It is clearly going to be used for offices and parking spaces.

We are concerned that the price reflect a true fair market value. We believe that park land is valuable and it shouldn't be used as an inexpensive source of land for development.

We ask that you look into the discrepancy in the two appraisals. Which of the appraisals reflects true fair market value? Thank you for your time.

Sincerely,

CC: Mayor Collen Seng
Nebraska Games & Parks Commission
Lynn Johnson


Michael James
President, Woods Park
Neighborhood Association



Joan V Ray

09/08/2004 11:20 AM

To: "Ross, William CW3 NE-ARNG" <William.Ross@ne.ngb.army.mil>
cc: council@ci.lincoln.ne.us, cr94520@alltel.net
Subject: Re: Andrea's Court Community Unit Plan

Dear Mr. Ross: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Ross, William CW3 NE-ARNG" <William.Ross@ne.ngb.army.mil>



"Ross, William CW3
NE-ARNG"

<William.Ross@ne.ngb
.army.mil>

09/08/2004 11:14 AM

To: council@ci.lincoln.ne.us
cc: cr94520@alltel.net
Subject: Andrea's Court Community Unit Plan

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

Attention all council members

25 August 2004

City Of Lincoln, City Council Office, City Council Members

Dear Sir or Madam

I am writing this letter to voice my concerns about the development of the Andrea's Court Community Unit Plan. The Special Permit No. 04035 was met with strong opposition during the Lancaster Planning Commission meeting on 21 July 2004. This opposition was voiced by a signed letter by 104 members of the S.A.N.A. (Sunset Acres Neighborhood Association). I believe that the questions raised by those in opposition have not been adequately considered or answered appropriately by County / City Government. My concerns are listed below in priority order.

First:
FLOODING:

Lincoln Watershed Management Mission Statement says

"To provide leadership and guidance in watershed management for the City of Lincoln, by utilizing new technology and ecologically-based engineering practices. It is our purpose to encourage sustainable growth by upholding responsible standards that maximize safety, minimize flood damage and conserve natural resources. We value education and proactive management principals to ensure quality of life for future generations."

I currently reside at 4000 North 42 and the west half of my property is in the 100 year flood plain. This neighborhood has had near flooding conditions several times in the past years. If this developer fills this housing area to the minimum of 1 foot above the existing floodplain. for construction I agree with what Jon Carlson Vice Chair of the Planning Commission said during the Planning Commission hearing:

"Townhouses will be protected but this is a classic example of "where does that water go?" You have a flooding situation for the surrounding property owners because there is no requirement that this development do anything to not flood out their neighbors."

Devin Biesecker also spoke during the hearing and stated he was not sure if flood gates on Turner Ditch were even considered during the study of the development and was not sure how far the water would back up if the flood gates were closed. I feel that Green Development Corp. should not allowed to fill any areas of this 9.4 acre plot until a permit is issued from the Army Corps of Engineers. I also believe the fill/grading of this development is not minimizing potential future flood damage to my property as well as the other properties in the S.A.N.A. This is also in direct conflict with the above mission statement of the Lincoln Watershed Management. How can I be sure this development will not increase the likelihood of flooding on my property?

Second:

TRAFFIC:

I have raised a family on North 42nd Street and have had the luxury of only having local traffic on our street as it has a cross street (Colfax Ave) on the south end and a cul-de-sac (42nd Street Circle) on the north end.. The quiet neighborhood and the reduced traffic were two decision making benefits when I purchased my property in the fall of 1986. Having to use 40th or 44th street for access to my residence has always been a challenge. The decision of which street to use for access has been magnified over the past few years by the increase in traffic on both of these streets accessing Superior and Cornhusker. We many times use Cornhusker Hiway to go east to the 27th and Superior shopping area simply because access to westbound Superior from North 40th or 44th is to dangerous and the traffic is too fast for safe entry westbound.

On 1 March of 2004 I sent an inquiry to Public Works Dept of Lincoln asking if the re was a plan for a stoplight at North 40th or 44th and Superior. I received an Email from Scott Opfer and it said:

"Mr. Ross,

To answer your first question. There are no plans to install a traffic signal at either 40th or 44th & Superior Streets. Both locations have been evaluated for traffic signal control. We determined that the introduction of a new signal at either of these locations would have an overall negative impact on traffic operations in the area. One of the pieces of criteria we look at is the Crash History. Both locations have only experienced an average of about 1 crash per year for the past 10 years. If signalized and based upon past history, we would expect that number to increase to about 7 crashes per year. Also, if a signal was installed at either of these locations, we would expect the traffic volumes to increase on 40th or 44th Streets, just because we would make it easier for people to access Superior. Both of these residential streets would be negatively impacted by that increased traffic volume."

During the 21 July 2004 Planning Commission hearing Chairman Mary F. Bills-Strand was hopeful the traffic signal issue would be studied again due to all the development at 27th and Superior as well as the North Star high school. How does the S.A.N.A. insure that our interests and safety are being considered in the installation of traffic control devices for access to Superior Street from North 40th or 44th Street?

I believe that traffic levels have increased dramatically in our neighborhood over the past two to five years. When looking at Public Works posted Traffic Average volumes for our area the most current data is 2 years old and outdated. There is reference to a study on Superior Street without any recent data posted. How can we (S.A.N.A.) be sure that our concerns about the increase in traffic volumes with this development are being heard and considered for the safety of our neighborhood?

In summary I personally am not opposed to the development of this specific area or property. However I do want to insure the traffic and safety issues have been properly studied and all issues brought forth both pro and con have been discussed and considered by city/county officials. I also am very concerned about future floodplain changes and or watershed management changes due to the displacement of flood waters by this development. Your consideration to the above information will be greatly appreciated. You may contact me with any answers/information reference the above mentioned issues and concerns. Thank You.

Sincerely

William R Ross
4000 North 42nd St
Lincoln, Ne. 68504-1216
402-466-5856

League of Women Voters
Lincoln-Lancaster County
The Apothecary, Suite 215
140 N. 8th Street
Lincoln, Nebraska 68508

402/475-1411

September 8, 2004

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

TO: MEMBERS OF THE CITY COUNCIL

Re: Defense of Liberty Resolution 04R-232

The League of Women Voters has a long history of working to preserve the very liberties that are the foundation of this country. We believe that there are fundamental principles that guard our liberty -- from independent judicial review of law enforcement actions to prohibitions on indiscriminate searches -- that must be preserved. Today, we continue to work with our communities and elected representatives to protect against encroachment on basic civil liberties.

At the national League of Women Voters convention in June, League members voted to elevate civil liberties to the level of highest priority. Members also lobbied Congress for a bi-partisan bill designed to address some of the problematic provisions of the Patriot Act. LWVUS President Kay Maxwell's letter to the U.S. Senate that addresses those problematic issues is attached.

When I asked the Lincoln-Lancaster County Board of the League of Women Voters the question: Should we speak on this issue locally? Not a single dissenting vote was cast. One board member said, "It is our privilege and responsibility to do so." The local League agrees with the national League president Kay Maxwell who says, "The League of Women Voters strongly believes that basic civil liberties must be preserved and protected as the nation seeks to guard against terrorism and other threats to national security... We ask that you work to preserve the greatest degree of civil liberty in the fight against terrorism."



Martha Hunter
President
League of Women Voters
Of Lincoln-Lancaster County

Attachment: Civil Liberties and the Patriot Act,
Kay Maxwell letter to Members of the U.S. Senate

The League of Women Voters

URL: <http://interactive.lwv.org/News/News.cfm?ID=760&c=7>

Civil Liberties and the Patriot Act
September 25, 2003

RECEIVED
SEP 08 2004
CITY COUNCIL
OFFICE

TO: Members of the U.S. Senate

FROM: Kay J. Maxwell, President

RE: Civil Liberties and the Patriot Act

The League of Women Voters strongly believes that basic civil liberties must be preserved and protected as the nation seeks to guard against terrorism and other threats to national security. We are particularly concerned about the impact of provisions of the Patriot Act passed by Congress in October 2001. The League supports congressional efforts to modify the extreme provisions of the Patriot Act and we are concerned about new efforts to further expand governmental powers that infringe on civil liberties.

Members of the League are steadfast in their conviction that the need to protect against security threats to America must be balanced with the need to preserve the very liberties that are the foundation of this country. There are fundamental principles that guard our liberty -- from independent judicial review of law enforcement actions to prohibitions on indiscriminate searches -- that must be preserved.

These beliefs have been long held by the League of Women Voters. In 1942, during World War II, the League wished "to preserve the greatest degree of civil liberty consistent with national safety." That concern continued during the "witch hunt" period of the early 1950s when the League conducted a two-year, community education program known as the "Freedom Agenda" that provided opportunities for Americans to discuss and learn about their freedoms under the Bill of Rights. This was followed by a League study on the federal loyalty/security programs, culminating in a policy position that emphasized protection of individual liberties against major threats to basic constitutional rights.

It is up to Congress to keep close watch over the Patriot Act's implementation and to address instances where citizens' freedoms have been abused. Earlier this month, President Bush proposed an expansion of the Patriot Act's law enforcement powers. We believe this expansion of power would significantly undermine the fundamental liberties guaranteed to all citizens in the Constitution.

We are deeply concerned with the Administration's plan, which would allow subpoenas to be issued without obtaining approval from judges or grand juries. We are equally concerned about proposals that would create an overly broad definition of terrorism so that government action could be directed against protesters and organizations that voice disagreement with the policies of the leadership of the United States.

The League of Women Voters supports the legislative language that will withhold funds for Section 213 of the Patriot Act which was passed by the House of Representatives in the Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations bill earlier this year. We believe that Section 213, which delays notice of the issuance of a warrant, is overly broad and interferes with an individual's Fourth Amendment rights.

The League is also concerned about the impact of the Patriot Act on the free and open exchange of knowledge by patrons of libraries and bookstores. We believe that the Patriot Act allows government officials to obtain information on library patrons without probable cause and without a warrant and we support legislative efforts to amend the Patriot Act to protect the privacy of library patrons and bookstore customers.

In addition to threats to basic individual liberties that are central to our civic life, the League is concerned about the potential impact that the Patriot Act and proposals to expand it could have on the checks and balances of government. We believe that accountability and responsibility to the people require that unnecessary secrecy between the President and Congress be eliminated. It is critical that Congress know of the actions of the Executive and Judiciary branches and that the courts be kept apprised of and have the opportunity to review the actions of law enforcement. In addition, it is important for local and state governments to be able to work in concert with the federal government in the critical balancing of security concerns and individual liberties.

These are challenging times for all Americans. We recognize that there are real and serious terrorist threats. But like the League members of the 1940s, who lived in another time of grave crisis for America and the world, we ask that you work to preserve the greatest degree of civil liberty in the fight against terrorism.

The League of Women Voters
1730 M Street NW, Suite 1000
Washington, DC 20036-4508
Phone: 202-429-1965
Fax: 202-429-0854
E-mail: info@lwv.org

[Privacy Statement](#)

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

September 8, 2004

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE

Terry Werner, Chairman
Lincoln City Council
555 S. 10th Street
Lincoln, NE 68508

Re: O4R - 212 Special Permit 04011 Boulder Ridge Community Unit Plan
and
04- 213 Appeal from Planning Commission Approval of Boulder Ridge Community
Unit Plan

Dear Terry and Members of the Council:

Attached are the proposed amendments I requested at the public hearing on these items August 23.

As I mentioned at the hearing, elimination of the pedestrian easement (Item 1.1.12 in both resolutions) is in accordance with the subdivision design standards. Grayhawk Court is a relatively short cul de sac which is well within the design standard criteria. Neither the community unit plan nor the subdivision design standards require a pedestrian easement at the end of this cul de sac. Pedestrian easements require greater side yard setbacks and create additional maintenance responsibilities. They are justified for longer cul de sacs, but not in this case.

Also, you will recall that we requested that you add a note granting permission for a left-turn pocket from Pine Lake Road on to South 86th Street abutting this plat. There is more than adequate room for a 300-foot long dual left-turn lane from Pine Lake Road on to South 84th Street and a left-turn pocket from Pine Lake on to South 86th. Even though Pine Lake Road is not yet designed, there is clearly plenty of room to accommodate this left turn movement which will greatly enhance the accessibility of this residential subdivision from the west.

Terry Werner, Chairman
September 8, 2004
Page 2

We hope you will favorably consider both amendments to both resolutions. Thank you very much.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:

(G:\WPData\MH\Herbert 134.001\City Council 9-8-4.ltr.wpd)

MOTION TO AMEND
BILL NO. 04R-212

I hereby move to amend Bill No. 04R-212 by deleting Condition No. 1.1.12.

Introduced by:

(G:\WPData\MH\Herbert 134.001\Motions to Amend.wpd)

RECEIVED

SEP 09 2004

CITY COUNCIL
OFFICE

MOTION TO AMEND
BILL NO. 04R-212

I hereby move to amend Bill No. 04R-212 by deleting the period at the end of Condition No. 1.1.14 and inserting in lieu thereof a comma and adding the following language:

“and that a left-turn pocket shall be permitted from Pine Lake Road
on to South 86th Street.”

Introduced by:

(G:\WPData\MH\Herbert 134.001\Motions to Amend.wpd)

RECEIVED

SEP 09 2004

CITY COUNCIL
OFFICE

MOTION TO AMEND
BILL NO. 04R-213

I hereby move to amend Bill No. 04R-213 by deleting Condition No. 1.1.12.

Introduced by:

(G:\WPData\MH\Herbert 134.001\Motions to Amend.wpd)

RECEIVED

SEP 09 2004

CITY COUNCIL
OFFICE

MOTION TO AMEND
BILL NO. 04R-213

I hereby move to amend Bill No. 04R-213 by deleting the period at the end of Condition No. 1.1.14 and inserting in lieu thereof a comma and adding the following language:

“and that a left-turn pocket shall be permitted from Pine Lake Road
on to South 86th Street.”

Introduced by:

(G:\WPData\MH\Herbert 134.001\Motions to Amend.wpd)

RECEIVED

SEP 09 2004

CITY COUNCIL
OFFICE

Sept. 8, 2004

I am Sharon Meints and I live at 4220 S. Folsom, Lincoln, Ne. 68522

I am apposed to closing Old Cheney Street and putting a interchange at Pioneers Blvd. By doing this you are cutting off the Yankee Hill area residents and country residents from getting from the west end of Lincoln to the east end of Lincoln with no other direct street thru town. Most of the traffic uses Old Cheney Street to get to The City Library and the YMCA on south 14th Street and also from the soccer fields and baseball fields back into town. The residents of this area have always been cut off and I believe this will stop more of the growth in this end of town. Pioneers Street has the same 50 trains a day as Old Cheney Street but there is one more set of tracks at Pioneers and Highway 2, so this is another obstacle. There is only room for 2 cars between the railroad tracks and Highway 2 light, which means you can sometimes wait thru 3 or 4 lights just to get to the intersection. This corner also has traffic backed up on Highway 2 from 14th Street past Pioneers, so this means at 5PM to 5:45PM you can't even get out onto Highway 2. Mr. Marvin in the comp. plan minutes, page 9 wonders whether it makes sense to put the time and money into an active overpass that does not generate a lot of trips and I agree. If 50 trains a day go through Wilderness Park on Old Cheney does restrict traffic flow a great deal then one more set of railroad tracks on Pioneers creates even more restricted traffic flow, so why put a interchange on this street? The traffic counts noted in the minutes of the comp. plan page 3 states 2003 cars per day only on Warlick Blvd. and Pioneers Blvd. But none listed for Old Cheney Street. This count I believe was done before the soccer fields and baseball fields were completed and now we have a church in the area with more traffic, we need a current traffic count when the Optimist Club and YMCA Wright field is having games. Wright field has games 8 months out of the year.

On page 11 of the comp. plan Bills-Strand stated she thinks we need to seriously look at an overpass over the park and preserve the older neighborhoods from increasing traffic flowing through, by putting a interchange on Pioneers you are creating a very serious traffic problem on the Yankee Hill neighborhood as we have only 1 thru street and that is South Folsom Street from north to south. If you close Old Cheney this will sent a lot of the traffic from YMCA Wright field and the Optimist Club down thru our neighborhood. We have a traffic problem at West Pioneers and South Folsom now when people are coming to the fields. I am hoping you will reconsider closing Old Cheney and give us a street that we can use to get from the west side of town to the east side.

Sharon Meints
4220 S. Folsom
Lincoln, Nebr. 68522
402-423-5294.

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE



DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
>

To: General Council <council@lincoln.ne.gov>
cc:
Subject: InterLinc: Council Feedback

09/08/2004 08:42 PM

InterLinc: City Council Feedback for
General Council

Name: Robin L. Hoffman
Address: 801 West Chadderton Drive
City: Lincoln, NE 68521

Phone: 402-476-0980
Fax:
Email: rlhoffman@alltel.net

Comment or Question:

Council Members,

My family lives in the Highlands and each morning I travel down West Highlands Boulevard. This would be a lovely boulevard if the city could just keep the weeds mowed. The boulevard has been mowed at most two or three times all growing season. The weeds are once again two to three feet tall and need mowing. I visited with Bill Nass to get it mowed the last time it needed mowing. His comment to me was that the contractor who is responsible for mowing was not fulfilling their obligation. In quizzing him further, I learned that Ray's Lawn Care, owned by Councilman Swoboda, is responsible for mowing the boulevard. I am not quite sure how a council member's company can have city contracts for mowing but you would at least think they would be more responsible and fulfill the contract and mowing obligation. When can we expect to have the boulevard mowed? Your response please. Thanks!

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE



Joan V Ray

09/09/2004 08:45 AM

To: "Amy Birky" <amy1940@inebraska.com>
cc: <council@lincoln.ne.gov>
Subject: Re: The Patriot Act

Dear Ms. Birky: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Amy Birky" <amy1940@inebraska.com>



"Amy Birky"
<amy1940@inebraska.com>
com>

To: <council@lincoln.ne.gov>
cc:
Subject: The Patriot Act

09/08/2004 05:19 PM

Greetings Council Members:

Since I cannot attend your meeting on Monday I would like to express my thoughts on The Patriot Act. I feel sections of it undermine our civil liberties. The resolution presented to the Council by some Lincoln persons concerned about the lose of some of our freedoms is a document that I wish that you would carefully consider. Many cities in the US have voted for a similar resolution. Thank you for your work.

Amy Birky

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE



Joan V Ray

09/09/2004 08:49 AM

To: Tim K Johnson <timkjohnson1947@juno.com>

cc: council@lincoln.ne.gov

Subject: Re: Defense of Liberty resolution

Dear Mr. Johnson: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

Tim K Johnson <timkjohnson1947@juno.com>



Tim K Johnson

<timkjohnson1947@jun
no.com>

To: council@lincoln.ne.gov

cc:

Subject: Defense of Liberty resolution

09/07/2004 09:28 AM

To all City Council members:

I strongly support the Defense of Liberty resolution and hope that it generates much discussion before it is passed. It is important that we stand up and make a statement when our liberties are threatened and degraded no matter what guise they come in or by whom. Thank you Jonathon Cook for the courage to introduce this and for joining with Terry Werner in making courageous public stands.

Tim K. Johnson

4333 E St. 68510

483-0425

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE



Joan V Ray

09/09/2004 08:51 AM

To: "Duane and Ruth Wendelin" <speedw@inebraska.com>

cc: <council@ci.lincoln.ne.us>

Subject: Re: Andrea's Court CUP, permit # 04035

Dear Mr. & Ms. Wendelin: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Duane and Ruth Wendelin" <speedw@inebraska.com>



"Duane and Ruth
Wendelin"

<speedw@inebraska.c
om>

To: <council@ci.lincoln.ne.us>

cc:

Subject: Andrea's Court CUP, permit # 04035

09/08/2004 11:12 PM

for all council members perusal...

Attachments:

letter from Sunset Acres Neighborhood Association

map of neighborhood

Drawings of water drainage system

Respectfully submitted,

Duane L Wendelin

acting representative Sunset Acres Neighborhood Association

4110 N 42nd St Circle

Lincoln, NE 68504

ph 466-9143



city council ltr.doc map5.bmp drain system.ppt

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE

To: All Lincoln City Council members

Subject: Andrea's Court Community Unit Plan
Special Permit No. 04035

Dear council members,

This letter is being written to inform you of two major concerns, we, the residents of the Sunset Acres Neighborhood Association (S.A.N.A.), have concerning the development of the 32 townhomes as proposed in the referenced subject. We are not necessarily in opposition to the proposed development, rather, concerned that our best interests are not being sufficiently addressed. It is our hopes that you, as elected city officials, will ensure that all city standards and codes will be met and adhered to in the design and development of the proposed project.

As a neighborhood, our first and foremost concern is the potential for flooding of the surrounding property as a result of an overflow of Turner Ditch. In July of 1994 Turner Ditch overflowed, flooding the surrounding area. Flooding occurred as far as into the street leading to the cul-de-sac in North 42nd St Circle. Other properties further South of Turner St. along Turner Ditch were also flooded at that time.

It is our understanding that there will be a landfill of nearly 3 - 4 feet north of Turner Ditch to satisfy city standards for building on property located in an existing flood plain. This elevation of land north of Turner Ditch puts the land directly south of Turner Ditch at a much higher risk of flooding than prior to the landfill. This is an ill-advised and unnecessary risk to place on the properties south of Turner Ditch.

There are two floodgates at the west end of Turner Ditch to allow water to be released, under a controlled method, into Salt Creek. These floodgates are primarily designed to deter the water flow 'from' Salt Creek 'into' Turner Ditch when the water level of Salt Creek rises. As the Salt Creek water level rises, the pressure from the Salt Creek water will effectively "close" these floodgates, thusly, creating a potential for an overflow of Turner Ditch.

Not if, but when, Turner Ditch overflows again, there is only one area the water can and will overflow into; South and East of the proposed townhome development: into the properties of homeowners along North 40th St, Jersey and Ballard Circles and Turner and Colfax streets. It certainly won't overflow into the proposed development.

During the recent hearing before the City Planning Commission on this project, it was implied, by staff members of the Public Works Watershed Management Dept., that the floodgates were not considered when their study was made to ensure floodplain standards would be met. How could a truly comprehensive study have been made without taking these floodgates and the extended floodway into consideration?

Has any possible effect the Antelope Valley Project may pose been considered in the watershed management study? Will the water level of Salt Creek rise more rapidly when that project is completed?

Perhaps a new comprehensive study of the entire floodplain / floodway along north Salt Creek should be undertaken to ensure that proper standards and procedures are followed and met prior to any new development in this area of the city. It may also be wise to revisit the 'hydraulics' of the existing water drainage system of Turner Ditch into Salt Creek to ensure it is sufficient to handle any increased volume.

The Lincoln City Watershed Management states in its mission statement "It is our purpose to encourage sustainable growth by upholding responsible standards that maximize safety, minimize flood damage and conserve natural resources. We value education and proactive management principals to ensure quality of life for future generations." The residents of S.A.N.A. also value not only their quality of life but the value of their property as well.

RECEIVED

SEP 09 2004

CITY COUNCIL
OFFICE

It is a given that there will be an increase in traffic on 40th street between Cornhusker Hiway and Superior Street as a result of this development. Traffic safety issues are the second major concern residents of the neighborhood have in association with this project.

New construction of additional living units (single family homes, townhouses, and apartments) along North 40th St and Superior Street, in the past 4-5 years, has had a tremendous impact on the traffic on North 40th street; especially during peak morning/evening hours when people are going to and from work. This project will further place more traffic on North 40th Street and connecting residential streets in the neighborhood, thereby, giving cause for the safety of children and others who walk the streets of the neighborhood.

40th and 44th Streets are the only streets, between 27th and 48th streets, that provide access to the two major arterial streets in north Lincoln; Cornhusker Highway and Superior Street. The opening of the North Star High School and the continued business growth along North 27th Street put a premium for access to both Superior Street and Cornhusker Highway by use of 40th and 44th Streets.

With limited parking in the proposed cul-de-sac and along the private drive into the townhomes, there is much concern about where visitors and guests of townhome residents will park. North 40th street looks like the only place available for this additional parking. The safety that once was afforded those that live on or near 40th and 44th Streets is going to be greatly diminished.

Both streets, 40th and 44th, are not wide enough to provide safe / easy passage if cars are parked on both sides of the street. When cars are parked across from each other, these streets become one-way only traffic at those points. Not only is it a danger to the residents walking or biking in the area but also to the drivers when they attempt to exit or enter their parked cars as well as for drivers driving between the parked cars.

It is suggested that a study be made to determine what, if any, steps can be taken to make it more safe to travel on N 40th and 44th streets. It took two school children, crossing Cornhusker Highway at 44th Street, on their way to Huntington School, getting hit by a car; to have a traffic signal installed at that intersection. Let's not wait for another accident similar to that one before preventive measures are taken to better control traffic at the intersections mentioned.

City Planning Commission Chair, Mary Bils-Strand, said she was 'hopeful' the traffic signal issue would again be studied for the intersections at 40th and 44th Streets and Cornhusker Highway and Superior Streets. We too are hopeful that a new study will be performed, but rhetoric doesn't always mean that issues are fully addressed and satisfactorily processed to the extent they should be.

On behalf of the Sunset Acres Neighborhood Association, I thank you for your time and consideration of our concerns.

Respectfully submitted,

Duane L Wendelin
(Acting President S.A.N.A.)
4110 N. 42nd St Circle
Lincoln, NE 68504
ph. 466-9143
email speedw@inebraska.com

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE

TURNER ST

SUPERIOR ST

FLOOD GATES

TURNER DITCH DRAINS

TURNER DITCH

TURNER DITCH

TURNER ST

EXTENSION OF
TURNER DITCH

COLFAX AVE

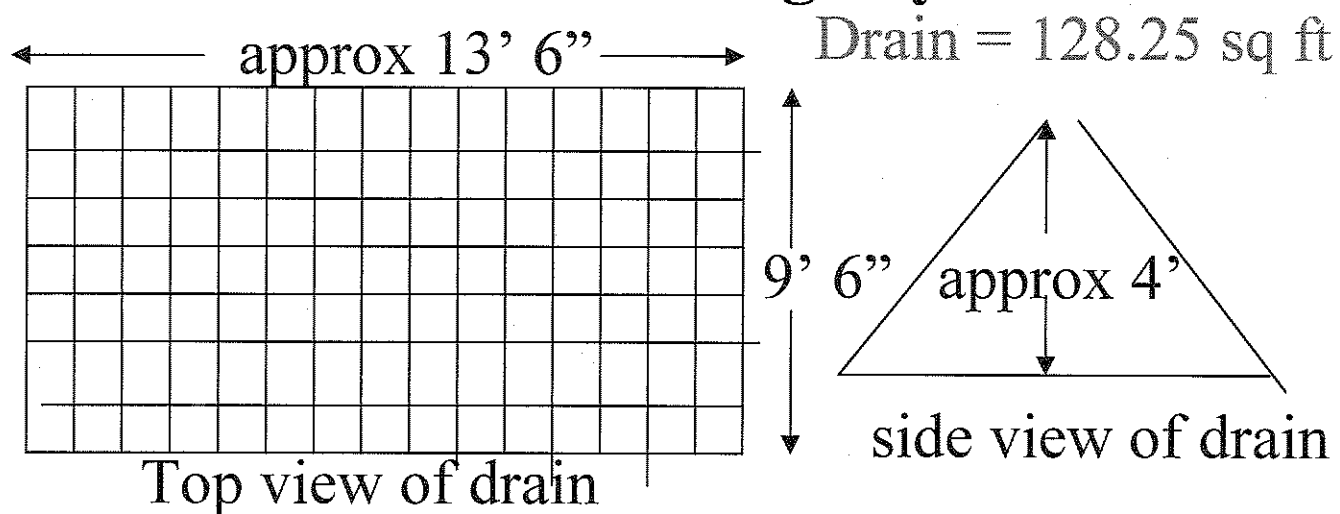
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SEP 09 2004
CITY COUNCIL
OFFICE

DO NOT
REMOVE

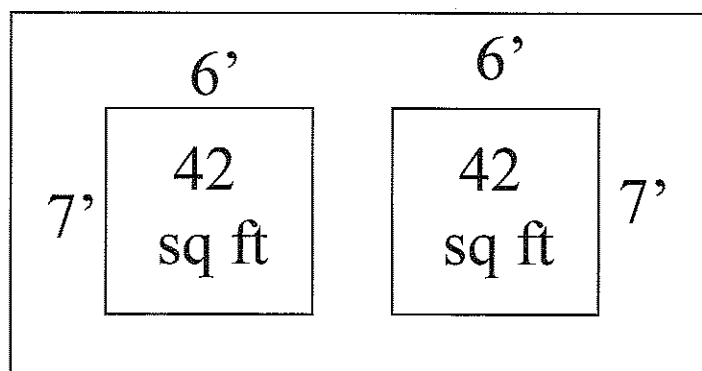
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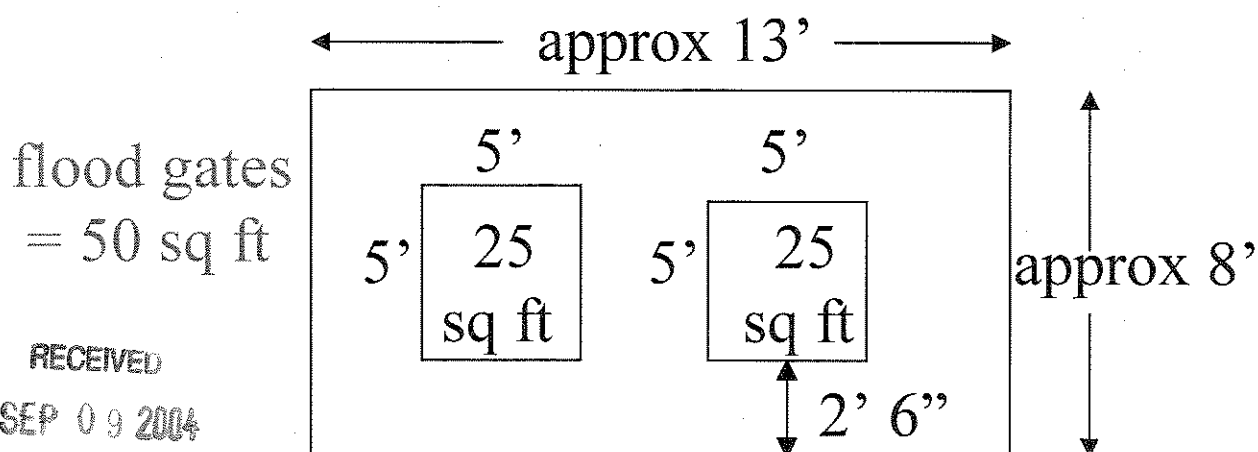
Turner Ditch Drainage System



Culvert
= 84 sq ft



Culvert from drain to gates



Flood gates

128.25 sq ft drain runs into 84 sq ft
culvert which feeds into 50 sq ft gates

RECEIVED
SEP 09 2004
CITY COUNCIL
OFFICE

09/13/04

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, SEPTEMBER 13, 2004**

I. MAYOR

1. NEWS ADVISORY - RE: The media are invited to cover the "Patriot Day-Lincoln Remembers" event this evening (9/10/04) at the Veterans Memorial Garden, just east of the Auld Recreation Center in Antelope Park - (See Advisory)
2. NEWS RELEASE - RE: Mayor Names Citizen Street and Trail Bond Audit Review Committee - (See Release)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

PUBLIC WORKS & UTILITIES DEPARTMENT

1. Memo from Nicole Fleck-Tooze - RE: Beal Slough Phase II Bioengineering Project - (See Memo)

C. MISCELLANEOUS

1. E-Mail from Chad Pikschus - RE: The USA PATRIOT Attack - (See E-Mail)
2. E-Mail from Phil Harris - RE: The Patriot Act - (See E-Mail)
3. Letter & Material from Elizabeth T. Carpenter, PhD - RE: The "Defense of Liberty Resolution" - (See Material)



CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: September 10, 2004

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

RECEIVED
SEP 10 2004
CITY COUNCIL
OFFICE

The media are invited to cover the "Patriot Day - Lincoln Remembers" event this evening at the Veterans Memorial Garden, just east of the Auld Recreation Center in Antelope Park. Set up will begin about 3 p.m. Diane Gonzolas can be reached this afternoon and evening through her cell phone at 525-1520. Lincoln Fire Chief Mike Spadt will be the master of ceremonies. Below is the schedule for the evening.

7 p.m. - Pre-program music: Lincoln Pipe and Drum

7:30 p.m. - Program

Presentation of the Colors - Honor Guard - Lincoln Fire and Police Departments

"National Anthem" - The AVISORS

Pledge of Allegiance - C.M. Beech Dale, President, Mayor's Advisory Council for the Veterans Memorial Garden

Messages from Nebraska's U.S. Senators (Senators Hagel and Nelson are unable to attend)

Remarks - Nebraska Adjutant General Roger Lempke

Remarks - Mayor Coleen J. Seng

Remarks on Behalf of Victims' Families - Jeff McCullough

Lighting of Candles - Spiritual Reflection

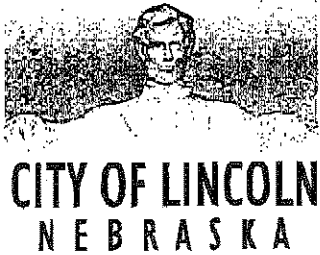
Firing of Volleys - Lincoln Police Department

"Taps" - Officer Lynette Witzel, Lincoln Police Department

Retirement of the Colors - Honor Guard

"Amazing Grace" - Lincoln Pipe and Drum

8 p.m. - Patriotic Concert - The AVISORS



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: September 10, 2004**FOR MORE INFORMATION:** Mark Bowen, Chief of Staff, City of Lincoln, 441-7511
Diane Gonzolas, Citizen Information Center, 441-7831

MAYOR NAMES CITIZEN STREET AND TRAIL BOND AUDIT REVIEW COMMITTEE

RECEIVED
SEP 13 2004
CITY COUNCIL
OFFICE

Mayor Coleen Seng today announced names of the Citizen Street and Trail Bond Audit Review Committee, which would review audits of the \$75 million if the upcoming bond issues passes to ensure the funds are spent on the intended projects.

"I was very pleased that so many knowledgeable and sincere residents indicated an interest in serving on this important committee," Mayor Seng said. "The people on this committee will do an excellent job for the community."

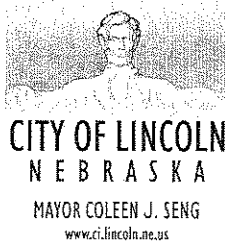
The committee members would be:

Andrew "Skip" Hove Jr., retired Vice-Chairman, Federal Deposit Insurance Corporation (FDIC);
Dawn Rockey, Vice President for Cash Management, First National Bank and former Nebraska State Treasurer;
Michael J. Tavlin, Chief Financial Officer, Speedway Motors and Speedway Properties;
Carl Sjulín, President, West Gate Bank;
Dan Marvin, co-chair of the Street, Roads & Trails Committee and Planning Commission Member;
Linda Wilson, former City Council member;
Annette McRoy, Lincoln City Council.

On Tuesday, September 14, residents will vote on a bond proposal that would provide \$75 million to construct streets and trails in Lincoln. The projects would be under construction by 2007. At least \$70 million would be spent on street and road projects and \$2.75 million would be designated for trail projects. The remaining \$1.5 million would be available for sidewalk construction, but also could be spent on streets if other funds are used for sidewalks.

The citizen committee would review independent audits of the bond proceeds to ensure the funds are spent on the projects that have been announced and not used for any other purpose, Mayor Seng said. The committee would meet at least once a year.

The Streets, Roads and Trails Committee had extensive public involvement. Seng said it is important to continue this open process by creating this Citizen Street Bond Audit Review Committee. Seng noted that infrastructure is one of the most important issues affecting our community's growth and quality of life.




**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

Date: September 10, 2004

To: Glenn Friendt

From: Nicole Fleck-Tooze 

Subject: *Beal Slough Phase II Bioengineering Project*

cc: Mayor Coleen J. Seng
City Council
Allan Abbott, Ben Higgins - PW/U Dept.
Glenn Johnson, Ed Ubben - LPSNRD
Robert Prager - Intuition and Logic

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CITY COUNCIL
OFFICE

This is in response to your request for a summary of the August 17 meeting regarding the Beal Slough Stream Stabilization project and the questions you had regarding maintenance of a bio-engineered solution. I appreciate your interest and good questions.

Meeting Summary

The purpose of the meeting was to invite neighborhood residents to hear more about the second phase of the City/NRD bioengineering project on Beal Slough, which had been targeted in part to respond to issues previously raised by adjacent residents. The meeting included a description of a series of three "interventions" along the stream reach from 27th Street to Highway 2. Of approximately 61 people invited, 6 people attended the meeting. Our consultant, Intuition and Logic, described the three interventions:

1. Upstream location: Near and adjacent to Highway 2
2. Middle location: just downstream of Hwy 2 near a transmission tower
3. Downstream location; Adjacent to residences along Stephanos Drive

Bids are planned to be let for the project in November or December. Construction is scheduled to begin in late winter/early spring 2005. Questions at the meeting included those regarding the location of construction access and the timetable for construction.

Maintenance of Previous Bioengineering Projects

The NRD previously completed two projects using two different methods of treatment. The first is located from Hwy 2 to 40th Street, and the second is from 40th to 48th Street. Your memo

noted your personal observation of cottonwoods and willows within the demonstration project which I understand to be the project west of 40th street. This was the first NRD bioengineering project for Lincoln, and the project design is significantly different from later approaches, however it is functioning as it was designed. The project did include plantings of willows and dogwoods. You are correct that bio-engineered projects, like all public infrastructure, must be monitored and maintained. This section will be inspected this fall as part of the NRD's annual maintenance schedule and any invasive or undesirable volunteer species will be removed. Please see further explanation below regarding maintenance considerations for bio-engineered channels.

Natural Design and Stream Flood Capacity

Flood capacity is addressed in the design of the channel. When the channel is designed, we calculate the size of stream necessary to carry flood flows based on a mature, fully vegetated stream bank, and many plant materials are selected for properties that allow the conveyance of flood water. On the Beal Slough projects from 27th to Highway 2, the vegetation is actually just one element of a more comprehensive stream stabilization that includes reshaping the channel, providing for overbank flow on terraces within the larger stream channel, and the addition of rock grade controls to prevent the stream from further downcutting.

Maintenance Considerations

Bio-engineering projects generally require an annual visual inspection. When properly designed and installed, maintenance of bio-engineered projects is minimal and similar to that for an urban forest, including occasional thinning or planting. The key to any bio-engineered solution is the long-term establishment of self sustaining and low maintenance vegetation that is appropriate for the area. Our Beal Slough bioengineering projects are designed to contain a balanced and desirable mix of riparian vegetation at maturity that does not require extensive mechanical and chemical treatment to maintain the balance and control undesirable vegetation. While we do expect the volunteer growth of some cottonwoods and other common plants, once the vegetation installed as part of the project has matured it will tend not to permit invasion by weedy species.

All streambank erosion control practices are subject to maintenance requirements. However, there are many advantages to choosing bioengineering rather than traditional engineering techniques. Not only do traditional "hard" projects tend to have higher maintenance costs over the project life, but they also have higher capital costs and a shorter overall project life. Traditional projects also have downstream impacts including increased flows, channel degradation, and sedimentation. While such projects weaken over time, bioengineering projects continue to grow stronger over time. In addition, bioengineering stabilizes streambanks, creates habitat for aquatic organisms and other wildlife, and improves water quality. Properly installed bioengineering techniques also reduce downstream flooding and erosion.

If you should have any further questions, please contact Ed Ubben with the NRD, who is the project manager for this joint City/NRD project at 476-2729 or ed@lpsnrd.org, or you can always feel free to contact me at 441-6173 or ntooze@ci.lincoln.ne.us.



Joan V Ray

09/10/2004 09:15 AM

To: Chad Piksuschus <forcetheedges@alltel.net>
cc: <council@lincoln.ne.gov>
Subject: Re: The USA PATRIOT Attack

Dear Mr. Piksuschus: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

Chad Piksuschus <forcetheedges@alltel.net>

RECEIVED
SEP 10 2004
CITY COUNCIL
OFFICE



Chad Piksuschus
<forcetheedges@alltel.net>

09/10/2004 04:26 AM

To: <council@lincoln.ne.gov>
cc:
Subject: The USA PATRIOT Attack

Attn: Council members

I am not a political activist by any means, but I believe I speak for an ever-growing number of citizens when I say that I am more deeply concerned with the far-reaching implications of the USA Patriot Act than I am with any real or imagined threats relating to terrorist activity. By disregarding the liberty and subsequently the well-being of the average citizen, the enforcers of the Patriot Act are quietly waging the very same brand of domestic warfare that they claim to be protecting us from. It's disturbing to think that we are all suspected terrorists in this view, and that peaceful demonstrators can be arrested and detained as enemies of the state. I fail to see how this scenario benefits the honest, hard-working people of this country in any way.

Issues of national security are not to be taken lightly, and that is precisely why we must promote an atmosphere of open discussion. No one can claim to have the perfect solution, least of all the current administration; therefore, the sooner we dispose of paranoid, counterproductive measures like the Patriot Act, the sooner we can begin cultivating positive changes to keep America safe AND free. Democracy is not perfect. It is a work in progress, but I for one am not willing to throw it away at the first sign of danger.

Lastly, I would like to thank you, the council members, in advance for setting a precedent in defending our civil liberties and making a positive difference in our community and in our country as a whole. I trust you are well-informed on this issue and will make the right decision.

Regards,
Chad Piksuschus



DO NOT REPLY to this-
InterLinc
<none@lincoln.ne.gov>
>

To: General Council <council@lincoln.ne.gov>
cc:
Subject: InterLinc: Council Feedback

09/10/2004 09:43 AM

InterLinc: City Council Feedback for
General Council

Name: Phil Harris
Address: 7750 S 28th ST
City: Lincoln, NE, 68516

Phone: 421-2541
Fax:
Email: phil@harrisware.com

RECEIVED

SEP 10 2004

CITY COUNCIL
OFFICE

Comment or Question:
Not in My Name!

A special note to the Lincoln City Council and Mayor Coleen Seng. Don't you dare use the privileged office that you hold to attack the U.S.A. Patriot Act on my behalf. You were not elected to deliberate, vote, proclaim, or protest matters other than those of the normal business of the city of Lincoln. To publish such a resolution under the official signatures of City Government would do more to damage my personal rights than any possible ramifications of the Patriot Act itself.

The Patriot Act has been maligned by ridiculous statements and the facts have been deliberately distorted. A discussion about these myths is available on the U.S. Department of Justice website (www.lifeandliberty.gov/subs/u_myths.htm). The fact of the matter is that people who are not pedophiles, child pornographers, or terrorists have nothing to fear from the Patriot Act, and even they are protected by strict judicial approval requirements.

Mayor and Council members, feel free to use your positions to make speeches, give press conferences, or write letters to the editor. But don't you dare take away my individual rights by sucking me in to your proclamations by default.

Phil Harris

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SEP 13 2004
CITY COUNCIL
OFFICE

September 10, 2004

Members of the Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

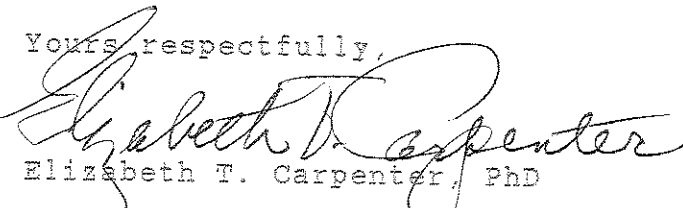
Council Members:

Please consider seriously enacting the "Defense of Liberty Resolution" to be heard and voted on by you on Monday, September 13, '04. The provisions of that resolution should be part of the City and State and National officers considerations in applying the overbroad and destructive measures of the USA Patriot Act which was passed by our national legislative body in Washington, DC, amid the worry and the fervor of the "September 11th" destruction of the Trade Towers, the Pentagon bldg, and the Four airplanes full of passengers involved in that event. Our Attorney General of the U S pushed thru the need (he thought) of the Patriot Act to give the government means to stop further such terroristic damage to this country and its citizens. However, the Patriot Act is itself a terror to law abiding and faithful citizens' Freedom which has been embodied in the United States Constitution.

Enforcement of laws, since 9/11, has too often involved harm and terror to law abiding and productive citizens ---- Hence the Resolution -- "Defense of Liberty Resolution"-- is a helpful and workable curb on the ravaging of our constitutional liberties.

Please consider it's enactment carefully and fully so that more damage is not done that might be irretrievable. I am enclosing herewith a copy of some correspondence sent me by a former UNL student of mine who now works at one of our National Parks in Pennsylvania -- an account of the destruction and terror committed by US law enforcement people upon a well known and trusted professional in Buffalo, New York, by the name of Steve Kurtz.

Yours respectfully,


Elizabeth T. Carpenter, PhD

1727 So. 22nd St., Lincoln, NE 68502
ph:402/477-9814 e: ETCarp@aol.com

Subj: **Fwd: ARTIST SUBPOENAED-USA PATRIOT ACT CASE**
 Date: 6/11/04 6:41:37 PM Central Daylight Time
 From: stayinthepresent@yahoo.com
 To: etcarp@aol.com
Sent from the Internet (Details)

RECEIVED
 SEP 13 2004
 CITY COUNCIL
 OFFICE

Betty,

This is interesting if it is not a hoax.

Becky Ross

Note: forwarded message attached.

Do you Yahoo!?

Friends. Fun. Try the all-new Yahoo! Messenger

X-Apparently-To: stayinthepresent@yahoo.com via 206.190.38.70; Thu, 10 Jun 2004 11:28:19 -0700

Return-Path: <tandm@dca.net>

Received: from 216.158.48.66 (EHLO smtp-relay.dca.net) (216.158.48.66)

by mta170.mail.dca.yahoo.com with SMTP; Thu, 10 Jun 2004 11:28:16 -0700

Received: from dca.net (ppp-206-105-184-32.cust.snip.dca.net [206.105.184.32])

by smtp-relay.dca.net (Postfix) with ESMTP

id 0E2EF3140B1; Thu, 10 Jun 2004 14:23:26 -0400 (EDT)

Date: Thu, 10 Jun 2004 14:24:07 -0400

From: tandm <tandm@dca.net>

X-Mailer: Mozilla 4.75C-CCK-MCD {C-UDP; EBM-APPLE} (Macintosh; U; PPC)

X-Accept-Language: en

MIME-Version: 1.0

To: tandm@dca.net

Subject: ARTIST SUBPOENAED-USA PATRIOT ACT CASE

X-Priority: 1 (Highest)

Content-Type: text/plain; charset=us-ascii; x-mac-type="54455854"; x-mac-creator="4D4F5353"

Content-Transfer-Encoding: 7bit

Content-Length: 1838

Dear Colleagues:

I just received this notice via email from a reputable Philadelphia arts organization. It's the first I've heard of it.

Steve Kurtz is Associate Professor in the Department of Art at the State University of New York's University at Buffalo, and a member of the internationally-acclaimed Critical Art Ensemble.

Kurtz's wife, Hope Kurtz, died in her sleep of cardiac arrest in the early morning hours of May 11. Police arrived, became suspicious of Kurtz's art supplies and called the FBI.

Within hours, FBI agents had "detained" Kurtz as a suspected bioterrorist and cordoned off the entire block around his house. (Kurtz walked away the next day on the advice of a lawyer, his "detention" having proved to be illegal.) Over the next few days, dozens of agents in hazmat suits, from a number of law enforcement agencies, sifted through Kurtz's work, analyzing it on-site and impounding computers, manuscripts, books, equipment, and even his wife's body for further analysis. Meanwhile, the Buffalo Health Department condemned his house as a health risk.

Kurtz, a member of the Critical Art Ensemble, makes art which addresses

the politics of biotechnology. "Free Range Grains," CAE's latest project, included a mobile DNA extraction laboratory for testing food products for possible transgenic contamination. It was this equipment which triggered the Kafkaesque chain of events.

FBI field and laboratory tests have shown that Kurtz's equipment was not used for any illegal purpose. In fact, it is not even possible to use this equipment for the production or weaponization of dangerous germs. Furthermore, any person in the US may legally obtain and possess such equipment.

"Today, there is no legal way to stop huge corporations from putting genetically altered material in our food," said Defense Fund spokeswoman

Carla Mendes. "Yet owning the equipment required to test for the presence of 'Frankenfood' will get you accused of 'terrorism.' You can be illegally detained by shadowy government agents, lose access to your home, work, and belongings, and find that your recently deceased spouse's body has been taken away for 'analysis.'"

Though Kurtz has finally been able to return to his home and recover his wife's body, the FBI has still not returned any of his equipment, computers or manuscripts, nor given any indication of when they will. The case remains open.

Seven colleagues of Steve Kurtz have been subpoenaed to appear before a

Federal Grand Jury on June 15th. Thus far subpoenas have been issued to:

Adele Henderson, Chair of the Art Department at UB; Andrew Johnson, Professor of Art at UB; Paul Vanouse, Professor of Art at UB; Beatriz da

Costa, Professor of Art at UCI; Steven Barnes, FSU; Dorian Burr and Beverly Schlee.

The grand jury in the case is scheduled to convene June 15 in Buffalo, New York. Here, the jury will decide whether or not to indict Steve Kurtz on the charges brought by the FBI. A protest is being planned at 9

a.m. on June 15 outside the courthouse at 138 Delaware Ave. in Buffalo.

For more information go to < <http://caedefensefund.org/> >.

-- Virginia

Virginia Maksymowicz
Sculptor and Professor
3719 Lancaster Avenue
Philadelphia, PA 19104
215/387-9706
(FAX available; call first)

tandm@dca.net

<http://www.phillyart.net/maksymowicz/>